

17 OCTOBER 1946

I N D E X
Of
WITNESSES
(none)

I N D E X
Of
EXHIBITS

<u>Pros.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
789		Excerpts from the Record of Ribbentrop's Talk with MATSUOKA on 29 March 1941		7939
790		Excerpt from the Record of Hitler's Talk with MATSUOKA in the presence of Ribbentrop, Ott and OSHIMA		7943
791		Excerpts from the Record of Hitler's Talk with MATSUOKA on 4 April 1941		7945
792		Ribbentrop's Telegram to the German Ambassador in Tokyo dated 5 July 1941 (No. 598)		7955

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806		Excerpt from Telegram of Ott, German Ambassador in Tokyo, sent to Berlin on 29 Jan 1942 (No.245) (Marked for Identification Only, Exhibit No.639, page 7031)		7983
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809		Research Report No. 131 dated 1 Dec 1945 called "Japan's Decision to Fight" published by the General Headquarters of the Supreme Commander for Allied Powers		7988
810		Excerpt from the symposium of the Institute of Total War entitled "The Program of Total War in the First Period", "The Construction of East Asia" drawn up in Feb, 1942		7991
811		Affidavit of Witness NOHARA, Komakichi, Press Agent of the Japanese Embassy in Berlin, dated 15 Feb 1946		7993
812		Record of Ribbentrop's Talk with the Defendant OSHIMA on 6 Mar 1943		
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814		Telegram No. 487 to the Japanese Ambassador in Washington from the Ministry for Foreign Affairs in Tokyo dated 20 Aug 1941		8032
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816		Report of 22 March 1946 of the Military Prosecutor of the Pacific Ocean Area of the USSR		8037
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823		Copy of the Protest by Levchenko, Captain of the Motor Vessel "Maikop", dated 1 July 1942		8051
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825		Excerpt of an Announcement of the Japanese Board of Information dated 21 Jan 1943, published in the symposium of Official Announcements Concerning Foreign Relations (1943)		8055

1 Thursday, 17 October, 1946

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

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13 Appearances:

14 For the Tribunal, same as before.

15 For the Prosecution Section, same as before.

16 For the Defense Section, same as before.

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20 (English to Japanese, Japanese to
21 English, Russian to English and Japanese to
22 Russian interpretation was made by the
23 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Cunningham.

4 MR. CUNNINGHAM: If the Tribunal please,
5 yesterday, at the close of the session, the Russian
6 prosecution suggested that they were about to intro-
7 duce more evidence on the activities in the European
8 theatre. I want to register an objection to any
9 further evidence concerning acts, agreements, or
10 alliances made in the European theatre unless they
11 relate particularly to the defendants in the dock
12 and the Japanese alliance.

13 I merely want to point out that the juris-
14 diction of this Tribunal extends only to the area
15 over which General MacArthur has power, and, there-
16 fore, any inquiry into agreements, acts or alliances
17 entered into in Europe are beyond the scope of in-
18 quiry of this Tribunal.

19 THE PRESIDENT: Your objection is utterly
20 foolish. We think you are not addressing us at all;
21 you are addressing the public.

22 MR. CUNNINGHAM: I want to object further
23 that the Russian prosecution's evidence should be
24 limited to the specific counts in the Indictment
25 which the Russian prosecution limited themselves to

1 in their opening statement, to wit --

2 THE PRESIDENT: Every defense counsel is in-
3 sisting on that without saying so, and we understand
4 it. You must be content to take objections to spe-
5 cific evidence as it is tendered and to give your
6 reasons, and we will deal with them.

7 MR. CUNNINGHAM: If the Tribunal please, it
8 is very difficult, sitting down here, to catch these
9 things as they go through in these documents when they
10 go from one back to another and take a paragraph from
11 an exhibit that we had last week, and so on. That's
12 the reason I am objecting now.

13 THE PRESIDENT: General Vasiliev.

14 GENERAL VASILIEV: I shall read an excerpt
15 from the record of RIBBENTROP's talk with MATSUOKA on
16 March 27, 1941. This document (No. 4005-B) has already
17 been presented by me to the Tribunal and received Ex-
18 hibit No. 783. This excerpt is numbered 2 in the
19 English copies of the document submitted to the Tri-
20 bunal.

21 I quote RIBBENTROP'S words:

22 "The German armies in the East are available
23 at any time. Should Russia one day take up an atti-
24 tude which could be interpreted as a threat against
25 Germany, the Fuehrer would dash Russia to pieces. One

1 is positive in Germany that such a campaign against
2 Russia would end in a complete victory for German arms
3 and the absolute destruction of the Russian Army and
4 the Russian State. The Fuehrer is convinced that in
5 case of an advance against the Soviet Union a few
6 months later a power (gropmacht) Russia would no longer
7 exist."

8 After two days on March 29, 1941 RIBBENTROP's
9 talk with MATSUOKA was resumed, I shall present in
10 evidence excerpts from the record of this talk, docu-
11 ment 527. It will be noted that other excerpts from
12 the record of this talk were presented to the Tribunal
13 before and received exhibit No. 580.
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1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 527 will receive exhibit No. 789.

4 (Whereupon, the document above
5 mentioned was marked prosecution's exhibit
6 No. 789 and received in evidence.)

7 GENERAL VASILIEV: I quote Ribbentrop's
8 words:

9 "The largest part of the German army was
10 anyway on the Eastern frontiers of the Reich and fully
11 prepared to open the attack at any time. He (the RAM)
12 however believed, that Russia would try to avoid de-
13 velopments leading to war. Should, Germany, however
14 enter into a conflict with Russia, the USSR would be
15 finished off within a few months. In this case, Japan
16 would have, of course, even less reason to be afraid
17 than ever, if she wanted to advance on Singapore.
18 Consequently, she need not refrain from such an under-
19 taking because of possible fears of Russia.

20 "He (the RAM) wanted to point out to MATSUOKA,
21 in any case, that a conflict with Russia was anyhow
22 within the realm of possibility. In any case, MATSUOKA
23 could not report to the Japanese Emperor, upon his
24 return that a conflict between Russia and Germany was
25 impossible. On the contrary, the situation was such

1 that such a conflict, even if it were not probable,
2 would have to be considered possible.

3 "The RAM declared that it was quite possible
4 that the above-mentioned circumstances should very
5 soon lead to a conflict between Germany and Russia.
6 If Germany felt herself in danger, she would immediately
7 strike and finish off bolshevism.

8 "MATSUOKA finally agreed to this point of
9 view and gave an assurance that Japan would always be
10 a loyal ally who would devote herself entirely, and
11 not just in a lukewarm way, to the joint effort."
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1 I shall present in evidence an excerpt from
2 the record of Hitler's talk with MATSUOKA in the
3 presence of Ribbentrop, Ott, and OSHIMA on March 27,
4 1941. It will be noted that other excerpts from
5 this document (No. 1340) were presented to the Tri-
6 bunal before and received exhibit No. 577.

7 MR. FURNESS: If the Tribunal please, the
8 way these excerpts were read, it would appear that
9 MATSUOKA agreed to what had just been quoted by the
10 prosecutor. As a matter of fact, the document indi-
11 cates that he agreed to something which was outlined --
12 a matter which was not quoted by the prosecutor. The
13 record, therefore, will be misleading. And I think,
14 to make it clear, the recording -- the matter which
15 is omitted should be read into it. There is also
16 considerable other matter which is omitted which is
17 indicated by the asterisks on the exhibit.

18 THE PRESIDENT: I do not know whether he has
19 read all that MATSUOKA was supposed to have said.
20 Certainly, the excerpt that he just read does not
21 carry out all he undertook to prove. The exhibit
22 789 refers to a conversation between Ribbentrop and
23 MATSUOKA in March, 1941. General Vasiliev also re-
24 fers to April, 1941. And the next excerpt may be on
25 that; I do not know.

1 MR. GOLUNSKY: If the Tribunal please, I
2 just wanted to explain that we did not read the other
3 parts of this because they were already read by Mr.
4 Tavenner.

5 THE PRESIDENT: I do not recollect the dates
6 of the excerpts read by Mr. Tavenner; it was so long
7 ago.

8 MR. FURNESS: My point is, it has nothing to
9 do with dates, if your Honor please. He quotes the
10 last paragraph: "MATSUOKA finally agreed to this
11 point of view." He omitted the preceding paragraph,
12 so that it appears that he agreed -- that MATSUOKA
13 agreed to the paragraph which the prosecutor read,
14 which is not a question of time but, in question of
15 quotation, is long prior to the final thing which
16 the prosecutor read.

17 THE PRESIDENT: Of course, I am referring
18 to what he said yesterday afternoon, which was the
19 introduction to the material he has read this morning.

20 MR. FURNESS: Then we are referring to dif-
21 ferent things, apparently.

22 THE PRESIDENT: Well, now, you could have
23 made that objection more intelligible. Had you said
24 he had left out a paragraph which changes the whole
25 of the meaning, we would have known. But I thought

1 you were referring to the introductory remarks of
2 the prosecutor.

3 MR. FURNESS: Your Honor stated my point,
4 and I regret that I did not state it more clearly.

5 THE PRESIDENT: General Vasiliev.

6 GENERAL VASILIEV: I shall present in
7 evidence an excerpt from the record of Hitler's talk
8 with MATSUOKA in the presence of Ribbentrop, Ott,
9 and OSHIMA on March 27, 1941. It will be noted that
10 other excerpts from this document (No. 1340) were
11 presented to the Tribunal before and received ex-
12 hibit No. 577.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 1340 will receive exhibit No. 790.

16 (Whereupon, the document above
17 mentioned was marked prosecution's exhibit
18 No. 790 and received in evidence.)

19 GENERAL VASILIEV: I quote an excerpt on
20 page 3 of the English text. Hitler said:

21 "On this it should be noted that Germany has
22 made the known treaties with Russia, but still more
23 important than this is the fact that Germany has 160
24 to 180 divisions at her disposal in case of emergency,
25 for her portection against Russia. In case of this

1 eventuality she (Germany) has, therefore, not the slight-
2 est fear and would not hesitate for a second to draw
3 the consequences at once in case of danger. He, (the
4 Fuehrer) however, does not think that this danger will
5 occur."

6 I continue to quote on page 4 of the English
7 text:

8 "Japan is the strongest power in the East
9 Asia sphere and Russia could not act since there are
10 150 German divisions standing at her Western border."

11 On the 4th of April 1941, HITLER had another
12 talk with MATSUOKA in the presence of RIBBENTROP. I
13 shall present in evidence excerpts from the record of
14 this talk (Doc. No. 532-B). It will be noted that
15 other excerpts from the record of this talk were pre-
16 sented to the Tribunal before in the course of the
17 other phase of the trial and received exhibit No. 582.
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1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 532-B will receive exhibit No. 791.

4 (Whereupon, the document above
5 mentioned was marked prosecution's exhibit
6 No. 791 and received in evidence.)

7 GENERAL VASILIEV: I quote:

8 "Then MATSUOKA reported on his conversations
9 with Duce and the Pope. With Duce he had had a general
10 conversation on the state of Europe and the war
11 and on the relations between Italy and Germany, as
12 well as on the future development of the world.

13 "Finally the Italian Chief of State talked
14 about Soviet RUSSIA and America. It was necessary to
15 clearly understand the strength of one's adversaries.
16 America was Enemy No. 1, with Soviet RUSSIA ranking
17 next.

18 "He (MATSUOKA) agreed with these thoughts."
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1 Now I shall read a document proving --

2 THE PRESIDENT: Major Furness,

3 MR. FURNESS: Here again, through omission,
4 we cannot ascertain the meaning of the language in
5 this document. I quote from it: "He (MATSUOKA)
6 agreed with these thoughts." Prior to that, there
7 are several asterisks. We do not know what is
8 omitted.

9 THE PRESIDENT: Well, you do, but we do not.
10 You have read the lot, and you have the option of
11 asking for more. Whether you have applied or not,
12 I do not know. At least, I take it that the whole
13 of this document was filed with the Clerk of the
14 Court for inspection by the defense if they so de-
15 sired and have filed an application, by the defense
16 to me, for additional material from the document.

17 MR. FURNESS: If the Court please, the
18 prosecutor has just said that this is part of exhibit
19 582. I suggest that we get exhibit 582 and find out
20 what was omitted.

21 THE PRESIDENT: Well, 582 would have been
22 dealt with in the manner that I suggested.

23 MR. FURNESS: It is impossible for us, when
24 we read these documents, to know that they are parts
25 of exhibits which are already in evidence.

1 THE PRESIDENT: I know you have a gigantic
2 task, but you must make the best of it.

3 MR. GOLUNSKY: If the Tribunal please, per-
4 haps it would save time if we read the part which
5 has been omitted. We omitted it because it had
6 nothing to do with our phase, but we are ready to
7 read it at any moment.

8 THE PRESIDENT: In this case, I think we
9 might well agree to that course because we do want
10 to know to what MATSUOKA agreed.

11 MR. GOLUNSKY: I repeat the last sentence
12 read by General Vasiliev. "Finally the Italian
13 Chief of State talked about Soviet Russia and Ameri-
14 ca. It was necessary to clearly understand the
15 strength of one's adversaries. America was enemy
16 No. 1 with Russia ranking next."

17 Then goes the omitted sentence: "By this
18 remark the Duce gave him to understand that America,
19 as the chief enemy, should be thoroughly watched but
20 should not be provoked. On the other hand, one
21 must be decidedly ready for any contingency."

22 That is the omitted part. Then comes again
23 the words read by General Vasiliev: "He (MATSUOKA)
24 agreed with these thoughts," which relates to the
25 whole sentence as well as the one read by General

1 Vasiliev and the one just read by me.

2 MR. FURNESS: It is a question for the Court
3 to decide what it relates to; but, until these docu-
4 ments are presented, neither the defense counsel nor
5 the Court can tell what they relate to.

6 THE PRESIDENT: Captain Brooks.

7 MR. BROOKS: If the Tribunal please, I would
8 like to object on the manner that the prosecution is
9 presenting this evidence and request that on these
10 last three exhibits, for instance, exhibit No. 789,
11 that at the close of the reading of the first para-
12 graph that the prosecution state for the matter of
13 the record that there is an omission, and takes up
14 the second paragraph. Then, if there is a further
15 omission of a paragraph, we don't know whether it
16 is one sentence or several. Then he takes up the
17 next. And that in exhibit No. 790, that the first
18 paragraph read was on page 8 of the original, page 3
19 of this document, exhibit 790; and that the next
20 paragraph read is from page 11 of the original.

21 THE PRESIDENT: Well, neither the defense
22 nor the prosecution want the lot read, and, there-
23 fore, we have to trust to the judgment of the prose-
24 cutor. But, if you have a grievance about any par-
25 ticular part, you are always at liberty to state it.

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1 I think that we would expect you to confine
2 yourselves to objections to particular matters and
3 not to indulge in any general review, Captain
4 Brooks. The points you emphasize are elementary to
5 us, and I have no doubt they are to you. Now I
6 think we have dealt with the whole of this extract.
7 You may be able to point out objections later to
8 other extracts.

9 MR. BROOKS: If the Tribunal please, the
10 point I was trying to make is that this would avoid
11 our having to interrupt. In other words, all that
12 would be left to do would be for the defense to
13 bring in these other omissions if the prosecution,
14 in turn, would point out at the time that there was
15 an omission between these paragraphs as they read
16 them, because they have not been pointing that out,
17 and that's why we have been raising this point is
18 because the omissions are there, and on the record
19 it does not show that there was any part, by aster-
20 isks or otherwise, in between. And, if they would
21 do that, we would not have to call the Court's
22 attention to it.

23 I request, as a matter of orderly proce-
24 dure, that the prosecution be required to point
25 out any breaks in the thought or the left out por-

1 tions of what evidence they are presenting here.
2 That is all.

3 THE PRESIDENT: Minister Golunsky.

4 MR. GOLUNSKY: Since they are under this
5 conception, I want to say that we use such formal
6 quotations only in case when the whole document has
7 been previously filed with the Tribunal and distrib-
8 uted among the defense counsel. Before we finish
9 the presentation of each part of our case, we supply
10 the defense with a list of documents we are going
11 to produce, where the exhibit numbers are shown.
12 But the last request of the defense that the prose-
13 cution should point out each break is quite fair,
14 of course, and we are going to do so.

15 THE PRESIDENT: A colleague inquires whether
16 exhibit 582 was the subject of an application in
17 Chambers. I am sure it was.

18 MR. GOLUNSKY: It was not because the whole
19 document has been processed and distributed among the
20 defense counsel.

21 THE PRESIDENT: That means the defense got
22 the whole lot.

23 MR. FURNESS: It does. But, when we get
24 document No. 532-B, there is no way that we can tell
25 that it is part of exhibit 582. In other words, it

1 should not be a separate exhibit at all. He should
2 just read from exhibit 582.
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1 THE PRESIDENT: I fully agree with you
2 that is how it should be dealt with here. Nevertheless,
3 the objections you raise will not be met in that way;
4 you will still have these objections. You will ask
5 for more material to be read. I observe that the
6 prosecutor is always ready to read additional mater-
7 ial if he is asked; and if he were approached without
8 a special application to us, I feel that a lot of time
9 would be saved. If he refused in any case, then you
10 might apply.

11 General Vasiliev.

12 GENERAL VASILIEV: Now I shall read a document
13 proving that these talks of Germany's preparation to
14 attack the U.S.S.R. were at that time no news to
15 MATSUOKA. I have already presented in evidence ex-
16 cerpts from Ribbentrop's talk with OSHIMA on February
17 23, 1941, which received exhibit No. 632, prosecution
18 document No. 531. In the course of this talk Ribben-
19 trop, as is to be seen from an excerpt I am going to
20 quote, informed OSHIMA of military preparations
21 against the U.S.S.R.

22 I quote Ribbentrop's words. The excerpt is
23 numbered 2 on the English copies of the document:

24 "Military, the Reich Foreign Minister
25 continued, the Fuehrer had created a number of new

1 formations during the winter. In the spring 240
2 divisions, including 186 first-class attack divisions,
3 are available." (Omission)

4 "Should Germany lose the war, the Soviet
5 star would rise over Europe. We observe the situation
6 in the East attentively and with supreme calm. A
7 German-Russian conflict, however, would result in a
8 gigantic German victory and signify the end of the
9 Soviet regime." (Omission)

10 "However, Japan, in its own interest, should
11 come in as soon as possible. This would destroy
12 England's key position in the Far East, Japan on
13 the other hand would thus secure its position in the
14 Far East, a position which it can acquire only through
15 war." (Omission)

16 I continue to quote: "Ambassador OSHIMA
17 agreed with me entirely and said that he would do
18 everything to carry through this policy."

19 We have one more conclusive proof that in
20 March 1941 MATSUOKA, Japanese Minister of Foreign
21 Affairs, was not only informed by Ribbentrop of
22 German preparations for an attack against the U.S.S.R.,
23 but even promised Japan's support to Germany and
24 assured Ribbentrop that the Neutrality Pact between
25 Japan and the U.S.S.R., which MATSUOKA was going to

1 conclude, would be put aside in case of an outbreak
2 of war between Germany and the U.S.S.R. This is
3 Ribbentrop's telegram to the German Ambassador in
4 Tokyo dated July 5, 1941, No. 598. I shall present
5 it in evidence, document No. 4062-G.

6 MR. SHIMANOUCI: I am SHIMANOUCI, counsel
7 for the defendant OSHIMA.

8 In the document just read, 765 -- Exhibit
9 765 -- prosecution document 531, before the words,
10 OSHIMA agreed to Ribbentrop's words, there is the
11 following omission: "3. Should it seem to be in the
12 interest of Japan also to secure for itself still
13 during the war in consideration of the coming New
14 World Order the position it wants to hold in the Far
15 East at the time of a peace treaty." These words have
16 been omitted. I call the Tribunal's attention to this
17 omission.

18 THE PRESIDENT: We will leave it at that.
19 The question arises as to whether we should permit
20 these interruptions, but your interruption is made
21 before I understand that it exists -- before I under-
22 stand that it is an interruption. However, counsel's
23 contributions may be fully warranted. We will be able
24 to consider that later.

25 General Vasiliev.

1 GENERAL VASILIEV: I repeat my last sentence:
2 This is Ribbentrop's telegram to the German Ambassador
3 in Tokyo dated July 5, 1941, No. 598. I present it
4 in evidence, document No. 4062-G.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 4062-G will receive exhibit No. 792.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 792 and was received in evidence.)

11 GENERAL VASILIEV: I quote the excerpts
12 from this telegram:

13 "The subject of a Japanese-Soviet Treaty
14 of Non-Aggression or Neutrality has been touched
15 upon by MATSUOKA and myself in our conversation of
16 28 March 1941."

17 I omit a few lines and continue to quote
18 on page 2 of the English text:

19 "In the same way, there may be an occasion
20 in the further course of events to remind MATSUOKA
21 that during the same conversation in which he dis-
22 cussed the conclusion of the Japanese-Soviet Treaty
23 with you, he made the following noteworthy statement:
24 'Should Germany come to blows with the Soviet Union,
25 no Japanese Premier or Foreign Minister would ever be

1 able to keep Japan neutral. In this case Japan would
2 be driven by the force of necessity to attack Russia
3 at the side of Germany. No Neutrality Pact could
4 alter any of this."

5 The documents which I am going to present
6 prove that that attitude of principle in case of an
7 outbreak of war between Germany and the Soviet Union,
8 MATSUOKA, Japanese Foreign Minister, did his best to
9 put into practice in so far as it depended upon him
10 when Germany treacherously attacked the U.S.S.R. I
11 present in evidence an entry from the diary of Smetanin,
12 Ambassador of the U.S.S.R. to Japan, dated June 25,
13 1941, document No. 1886.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 1886 will receive exhibit No. 793.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 793 and was received in evidence.)

20 GENERAL VASILIEV: I quote an excerpt:

21 "I asked MATSUOKA the basic question concern-
22 ing the attitude of Japan towards the war; I asked him
23 whether Japan would remain neutral, the same way as
24 the U.S.S.R. was, in accordance with the neutrality
25 pact between the U.S.S.R. and Japan of April 13 of the

current year.

1 "MATSUOKA evaded a direct answer to this
2 question and said that his attitude to this problem
3 had already been expressed (on April 22 of the
4 current year) in his statement made by him upon his
5 return from Europe. At the same time he emphasized
6 that the Tripartite Pact was the basis of the for-
7 eign policy of Japan and if the present war and the
8 neutrality pact happened to be at variance with that
9 basis and with the Tripartite Pact, the neutrality
10 pact 'will not continue in force.'"
11

12 In confirmation of all this recorded in
13 Smetanin's diary, I present in evidence a telegram
14 of Ootō, German Ambassador to Japan, sent from Tokyo
15 to Berlin, No. 1248, document No. 4052-H.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 4052-H will receive exhibit No. 794.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 794 and was received in evidence.)
22

23 GENERAL VASILIEV: I quote:

24 "Director European Section informed me that
25 the Soviet Ambassador, on Saturday, announced himself
to MATSUOKA for an urgent conversation in order to

1 ask, in the name of his government, whether the
2 neutrality pact would be applied, on the part of
3 the Japanese, to the present German-Russian war.
4 MATSUOKA replied that the neutrality pact could not
5 be applied to the German-Russian war. It was con-
6 cluded at a time when the German-Russian relations
7 were essentially different.

8 "Russian Ambassador, who had expected a
9 statement that would set his mind at ease, was much
10 taken aback by this declaration."

11 I present for identification a telegram
12 of the German Ambassador to Japan sent from Tokyo to
13 Berlin on June 22, 1941, No. 1012, document No. 4033-D.

14 I present in evidence excerpts from the
15 telegram from which may be seen that MATSUOKA liter-
16 ally on the first day of the German attack on the
17 U.S.S.R. expressed the extremely hostile attitude of
18 the Japanese Government toward the U.S.S.R.

19 CLERK OF THE COURT: Prosecution's document
20 No. 4033-D will receive exhibit No. 795 for identi-
21 fication only.

22 (Whereupon, the document above
23 referred to was marked prosecution's exhibit
24 No. 795 for identification.)

25 THE PRESIDENT: The excerpt is admitted on

1 ask, in the name of his government, whether the
2 neutrality pact would be applied, on the part of
3 the Japanese, to the present German-Russian war.
4 MATSUOKA replied that the neutrality pact could not
5 be applied to the German-Russian war. It was con-
6 cluded at a time when the German-Russian relations
7 were essentially different.

8 "Russian Ambassador, who had expected a
9 statement that would set his mind at ease, was much
10 taken aback by this declaration."

11 I present for identification a telegram
12 of the German Ambassador to Japan sent from Tokyo to
13 Berlin on June 22, 1941, No. 1012, document No. 4033-D.

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15 telegram from which may be seen that MATSUOKA liter-
16 ally on the first day of the German attack on the
17 U.S.S.R. expressed the extremely hostile attitude of
18 the Japanese Government toward the U.S.S.R.

19 CLERK OF THE COURT: Prosecution's document
20 No. 4033-D will receive exhibit No. 795 for identi-
21 fication only.

22 (Whereupon, the document above
23 referred to was marked prosecution's exhibit
24 No. 795 for identification.)

25 THE PRESIDENT: The excerpt is admitted on

the usual terms.

1 CLERK OF THE COURT: And the excerpt there-
2 from bearing the same prosecution document number will
3 receive exhibit No. 795-A.

4 (Whereupon, the document above
5 referred to was marked prosecution's exhibit
6 No. 795-A and was received in evidence.)

7 THE PRESIDENT: Yes.

8 GENERAL VASILIEV: I shall read a passage
9 from these excerpts on page 2 of the English text.
10 It is numbered 1 in the English copies of the document
11 containing MATSUOKA's statements made to the German
12 Ambassador to the effect that: "He (i.e., MATSUOKA)
13 personally was of the same opinion as before that in
14 the long run, Japan could not remain neutral, in this
15 conflict."
16

17 I omit a few lines which are immaterial.
18 I continue to quote: "Towards the end of the inter-
19 view MATSUOKA received another telegram from OSHIMA
20 wherein the Reich Foreign Minister called attention
21 to an alleged Russian withdrawal of troops from the
22 Far East. MATSUOKA explained spontaneously that he
23 would immediately propose counter-measures."
24

25 Another excerpt from this document will be
read in connection with some other questions.

1 Now I shall present evidence that the
2 Neutrality Pact between the U.S.S.R. and Japan grossly
3 violated by Japan, both in the interests of Japan and
4 Germany, in the course of Germany's war against the
5 U.S.S.R. The Pact, dated April 13, 1941, has been
6 presented to the Tribunal, exhibit No. 45. Japan's
7 attitude towards Germany's attack against the U.S.S.R.
8 was first of all defined by a most important official
9 document -- the decision of the conference on July 2,
10 1941, presided over by the Emperor at which were
11 present military and political leaders of Japan.

12 I have presented in evidence on the other
13 issue the excerpts from this decision, prosecution
14 document No. 1652, exhibit No. 779. I shall read an
15 excerpt relating to this issue.

16 I respectfully call it to the Tribunal's
17 attention that the following words precede the quoted
18 passage in the minutes of the conference, Item "C",
19 Section II. "C. Though the spirit of the Tripartite
20 axis will form the keynote of our attitude toward the
21 German-Soviet war we shall not intervene for a while,
22 but take voluntary measures by secretly preparing
23 arms against the Soviet Union."

24 In that case the passage quoted further
25 has direct bearing upon the contention we are proving

now:

1 "Meanwhile, diplomatic negotiations will
2 be continued with detailed precautions; and should
3 the conditions of the German-Soviet war progress
4 favorably to Japan we shall use arms to solve the
5 northern problems, thereby securing stability in the
6 northern regions."
7

8 This decision was kept top secret while
9 it was officially declared that Japan observed the
10 Neutrality Pact with the U.S.S.R. What it really
11 amounted to may be seen from a telegram of Ott sent
12 from Tokyo to Berlin on July 3, 1941, No. 1109, in
13 which Ott reported about the subject matter of his
14 talk with MATSUOKA, document No. 4062-E.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 4062-E will receive exhibit No. 796.

18 (Whereupon, the document above
19 referred to was marked prosecution's exhibit
20 No. 796 and was received in evidence.)

21 GENERAL VASILIEV: I quote an excerpt:

22 "MATSUOKA said the reason for the formulation
23 of the Japanese statement to the Soviet Ambassador was
24 the necessity to deceive the Russians or at least to
25 keep them in a state of uncertainty, owing to the

1 armaments still being incomplete. At present Smetanin
2 was not aware of speedy preparations being made against
3 the Soviet Union as is hinted at in the government
4 resolution transmitted to us."

5 A number of documents which I offer in
6 evidence show ceaseless military preparations of
7 Japan against the U.S.S.R. in that period. I shall
8 present in evidence a telegram of Mackensen, German
9 Ambassador in Rome sent to Berlin on July 1, 1941,
10 No. 1473, document No. 4062-F.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 4062-F will receive exhibit No. 797.

14 (Whereupon, the document above
15 referred to was marked prosecution's exhibit
16 No. 797 and was received in evidence.)

17 GENERAL VASILIEV: In that telegram Mackensen
18 reported about the visit of the Japanese Ambassador
19 in these words. I quote an excerpt:

20 "He intimated that Japan has the intention
21 to actively advance /Vorgehen/ against Russia on its
22 part, but needs a few more weeks. Such a policy,
23 however, necessitates the resignation of Mr. MATSUOKA;
24 since the latter has only recently concluded a pact
25 of non-aggression with Soviet Russia, he would have

1 to leave the political arena, at least for a certain
2 period of time."

3 I shall quote in evidence an excerpt from
4 a telegram of the German Ambassador to Japan sent
5 from Tokyo to Berlin on July 3, 1941, No. 1102,
6 document No. 4062-A, concerning military preparations
7 of Japan against the U.S.S.R. This telegram was pre-
8 sented to the Tribunal in the course of the previous
9 phase and received exhibit No. 636. Therefore, if
10 your Honor please, I confine myself to quoting this
11 excerpt, which should not receive its separate exhibit
12 number.

13 I quote the third paragraph from the bottom
14 of the page:

15 "I take pleasure in stating that Japan is
16 preparing for all possible eventualities as regards
17 the U.S.S.R. in order to join forces with Germany in
18 actively combating the Communist menace. Japan is
19 keenly watching developments of conditions in Eastern
20 Siberia in particular, determined as she is to destroy
21 the communist system established there. It is, I
22 believe, hardly necessary to add that the augmentation
23 of military preparations, among other things, with an
24 eye to realizing this object, together with the aim
25 of restraining Soviet Russia in the Far East in her

1 struggle with Germany is steadfastly kept in the mind
2 of the Japanese Government."

3 THE PRESIDENT: Mr. Blewett:

4 MR. BLEWETT: If your Honor please, we are
5 a little confused; we do not have document No. 4062-
6 A, B, or C, although we understand that the counsel
7 said something about it being formerly introduced. We
8 understand it is exhibit 636, your Honor.

9 THE PRESIDENT: General Vasiliev.

10 GENERAL VASILIEV: I shall quote in evidence
11 an excerpt from a telegram of Ott, German Ambassador
12 to Japan, sent from Tokyo to Berlin on July 4, 1941,
13 No. 1350, document No. 4062-B, concerning military
14 preparations of Japan against the U.S.S.R. This tele-
15 gram was presented to the Tribunal in the course of the
16 other phase of the trial and received exhibit No. 638.
17 Therefore, if your Honor please, I confine myself to
18 quoting this excerpt which should not receive its
19 separate exhibit number. The telegram begins with the
20 words:

21 "Military attache reports following personal
22 impression from conversation with Japanese General
23 Staff:

24 "Japanese Army is zealously preparing and
25 under emphatic secrecy."

1 I omit item 1 and quote item 2: "A surprise,-
2 though not rush - commencement of hostilities against
3 Russia, with the seizure of the coastal province as
4 the first goal."

5 I offer in evidence one more document dealing
6 with the same issue, namely the memorandum of Kramarets,
7 Foreign Ministry official, composed in Berlin on July
8 6, 1941, document No. 4062-H.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 4062-H will receive exhibit No. 798.

12 (Whereupon, the document above
13 referred to was marked prosecution's exhibit
14 No. 798 and was received in evidence.)

15 GENERAL VASILIEV: "The Army High Command
16 has informed us on 6 July:

17 "'Colonel YAMAMOTO, assistant of the Japanese
18 Military Attache, in Berlin called on Colonel
19 von Lahousen, Chief of Counter Intelligence Section
20 II, on 4 July 1941, accompanied by Major Higuchi, and
21 said the following:

22 "'The Japanese General Staff has commissioned
23 him to communicate /to us/ that the Japanese General
24 Staff is ready to carry out sabotage attacks against
25 Soviet Russia in the Far East, especially from Mongolia

1 and Manchukuo and, primarily, against the area
2 adjoining Lake Baikal."

3 I tender in evidence one more document
4 dealing with the same issue, namely Japanese military
5 preparations against the U.S.S.R., a telegram of
6 Ott, German Ambassador to Japan, sent from Tokyo
7 to Berlin on July 12, 1941, No. 1200, to the German
8 High Command of Armed Forces, document No. 4062-C.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 4062-C will receive exhibit No. 799.

12 ("Whereupon, the document above
13 referred to was marked prosecution's exhibit
14 No. 799 and was received in evidence.

15 GENERAL VASILIEV: (Reading)

16 "A. I believe the following individual
17 measures for Japanese preparations for war seem to
18 have been taken:

19 "1) Numerous officers called to new jobs.

20 "2) Reserves of 24 years to 27 years
21 allegedly called up.

22 "3) Additional car drivers called up.

23 "4) Requisition of tractors in Manchuria.

24 "5) Students not allowed to travel far.

25 "6) Russian speaking persons called up.

1 "B. Allegedly only three divisions are kept
2 in readiness for the occupation of Saigon which is
3 expected on 17 July according to rumors.

4 "C. Replenishment of the Kwantung Army
5 for a war against Soviet Russia which is not yet
6 imminent, evidently via Shanghai and Tientsin where
7 reservists (cf. A2) and to begin with, about two
8 Japanese divisions including the 16th, are being
9 sent.

10 "D. In China major Japanese operations are
11 unlikely at present."

12 I present in evidence on the same issue a
13 telegram, No. 1415, sent from Tokyo on August 1,
14 1941, by Ott, German Ambassador to Japan, document
15 No. 4025-D.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 4025-D will receive exhibit No. 800.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 800 and was received in evidence.)

22 GENERAL VASILIEV: I quote an excerpt from
23 this telegram in which Ott mentions the following
24 words of YAMAMOTO, Ministry Secretary of the Ministry
25 for Foreign Affairs:

1 "He strongly underlined that Japan made
2 the Anglo-Saxon powers very uneasy by her newly
3 won position of power and that she has strengthened
4 her pressure a great deal in favor of the Axis powers.

5 "The mobilization works in the same way,
6 which is being carried through with the intention of
7 destroying the Russian military forces in the Far
8 East. The Soviet Government is officially reserved,
9 but according to reliable informations, is watching
10 the mobilization with increasing anxiety and will
11 hardly decide to move more troops to the West."

12 Further in this telegram Ott says:

13 "When I, because of rumors, which SHIRATORI,
14 whom I visited again during the past days in his place
15 of convalescence, had pointed out to me as being ser-
16 ious, anticipatedly asked whether Japan intended to
17 start her active advance with demands on the Soviet
18 Government, the Vice-Minister marked this way as
19 the best method of finding a defensive excuse for a
20 Russo-Japanese attack in face of the neutrality
21 agreement. He is personally thinking of demands of
22 such sharpness that the Soviet Government could not
23 possibly be able to accept them, whereby he seemed
24 to have territorial cessions in mind."

25 Finally, on the same issue, namely military

1 preparations of Japan against the U.S.S.R. and the
2 time of the proposed attack, I shall read an excerpt
3 from a telegram of Ott, German Ambassador to Japan,
4 sent from Tokyo to Berlin on October 4, 1941, No. 1974,
5 which has already been presented by me in evidence,
6 prosecution document No. 4065-A, exhibit No. 788-A.
7 This excerpt is numbered 2 in the English copies of
8 the document:

9 "Japan's waging of a war against the
10 Far Eastern Army, still considered as being in fight-
11 ing trim, is not feasible before next spring, unless
12 a moral collapse of the regime comes about. The
13 tenacity displayed by the Soviet Union against Germany
14 indicates that not even by a Japanese attack in
15 August or September could the route via Siberia be
16 opened up this year."

17 THE PRESIDENT: We will recess now for
18 fifteen minutes.

19 (Whereupon, at 1043, a recess was
20 taken until 1102, after which the proceedings
21 were resumed as follows:)
22
23
24
25

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: General Vasiliev.

4 GENERAL VASILIEV: It is known from the
5 actual course of events that Japan did not attack
6 the USSR, but we shall present evidence showing why
7 the Japanese attack against the USSR did not mater-
8 ialize.

9 A rather detailed explanation of the
10 reasons due to which the Japanese military could not
11 attack the Soviet Union in summer and autumn of 1941
12 is given in a telegram of Ott, German Ambassador to
13 Japan sent from Tokyo on September 4, 1941, No. 1713.

14 I present the entire telegram for identifi-
15 cation (Document No. 4080-A). I shall offer in
16 evidence an excerpt from this telegram.

17 CLERK OF THE COURT: Prosecution's document
18 No. 4080-A will receive exhibit No. 801 for identifi-
19 cation only.

20 (Whereupon, the above-mentioned docu-
21 ment was marked prosecution's exhibit No. 801
22 for identification.)

23 THE PRESIDENT: The excerpt is admitted on
24 the usual terms.

25 CLERK OF THE COURT: And the excerpt therefrom,

1 bearing the same prosecution document number, will
2 receive exhibit No. 801-A.

3 ("hereupon, the above-mentioned docu-
4 ment was marked prosecution's exhibit No. 801-A
5 and received in evidence.)

6 GENERAL VASILILV: Quote:

7 "Even after MATSUOKA's dismissal, The Third
8 KONOYE Cabinet was set to undertake a far-reaching
9 mobilization as a result of the decision of 2 July
10 which was adopted in the presence of The Emperor; by
11 its very nature this mobilization was directed against
12 the Soviet Union. Accordingly, KONOYE considerably
13 strengthened impeding elements of the new Cabinet,
14 and, to a great extent, placed the responsibility upon
15 the Navy. Thus a cover of the rear to the North was
16 greatly impeded. As reported, the Army Command in
17 recent inquiries has become more reserved as to a
18 clash with the Soviet Union. It is being argued that
19 the Japanese Army, tied up and weakened in the war
20 against CHINA, was not in a position to start on a
21 winter campaign against the SOVIET Union. In view of
22 the resistance put up by the Russian Army against an
23 army such as the German, the Japanese General Staff
24 does not believe itself capable of achieving a decisive
25 success against RUSSIA before Winter sets in. More-

1 over, it is probably guided by the thought of NOMONHAN,
2 still vivid in the memory, notably of the KWANTUNG
3 Army. The exaggerated conception of Russian strength
4 is partly based on the misleading argument that even
5 in view of the collapse of the UKRAINE front the Soviet
6 Union still disposed of sufficient fighting forces
7 for taking the offensive against PERSIA on the nearby
8 CAUCASUS front.

9 "In view of this appraisal of the situation,
10 the KWANTUNG Army allegedly pressed for a decision of
11 the Imperial Headquarters. I learned from a usually
12 reliable source that the Imperial Headquarters in the
13 last days came to the decision to postpone action
14 against the SOVIET Union. A new decision was contem-
15 plated, to be taken as soon as clear signs of the de-
16 composition of the Far Eastern Army appear or when a
17 great numerical superiority of the Japanese army is
18 established."

19 I shall quote an excerpt from the defendant
20 OSHIMA's minutes of interrogation dated April 22, 1946
21 offered by me in evidence before (Prosecution Doc.
22 No. 4121, Exhibit No. 776) to show that the Japanese
23 Government bearing in mind the prospects of attacking
24 the USSR was closely watching the course of German-
25 Soviet war up to the time when it received the explana-

1 tion of the German Government about the slowing up
2 of its offensive operations.

3 This excerpt is numbered 3 in the English
4 copies of the document (pages 3 - 4 of the English
5 text).

6 "Question: How did you inform your Government as to
7 the course of the German-Soviet war?

8 "Answer: Approximately at the end of July or at the
9 beginning of August 1941 I learned about
10 the slowing up of the pace of the advance
11 of the German army. The advance was not
12 proceeding according to plan. Moscow and
13 Leningrad were not taken according to the
14 German plan. I asked information from
15 Ribbentrop on that subject. Ribbentrop in-
16 vited Keitel to explain the matter. Keitel
17 told me that the slowing up of the advance
18 of the German army was caused by the ex-
19 cessive length of communications and rear
20 units lagging behind, and that that was
21 the reason why the pace of the advance of
22 the German army was approximately three
23 weeks behind plan."
24
25

1 GENERAL VASILIEV (Continuing): Now I shall
2 present in evidence the documents proving that the
3 Japanese Government, Minister for Foreign Affairs
4 included, conducted the same policy towards the USSR
5 after the change of Cabinet in July 1941 when MATSUOKA
6 no longer was Minister for Foreign Affairs. There-
7 fore, that policy cannot be considered only MATSUOKA's
8 policy, but was a policy consistently conducted by
9 the Japanese ruling militaristic clique as a whole.
10 I present in evidence document No. 2593-D(21), a
11 telegram from Tokyo to Berlin sent on November 30,
12 1941, No. 985.

13 This document is one of the intercepted
14 radio messages which have already been admitted for
15 identification and received exhibit No. 603, Pros-
16 ecution Document No. 2593-D(21).

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 2593-D(21) will receive exhibit No. 802.

20 (Whereupon, the above-mentioned document
21 was marked prosecution's exhibit No. 802,
22 and received in evidence.)

23 GENERAL VASILIEV: I quote an excerpt from
24 the telegram, items 4 and 5 on page 2 of the English
25 text.

1 "4. If, when you tell them this, the Ger-
2 mans and Italians question you about our attitude to-
3 ward the Soviet, say that we have already clarified
4 our attitude toward the Russians in our statement of
5 last July. Say that by our present moves southward
6 we do not mean to relax our pressure against the Soviet
7 and that if Russia joins hands tighter with England
8 and the United States and resists us with hostilities,
9 we are ready to turn upon her with all our might; how-
10 ever, right now, it is to our advantage to stress the
11 south and for the time being we would prefer to re-
12 frain from any direct moves in the north.

13 "5. This message is important from a strategic
14 point of view and must under all circumstances be held
15 in the most absolute secrecy."
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1 MR. BLEWETT: If the Tribunal please, we
2 ask the prosecution who sent that telegram -- who
3 sent the telegram and to whom was it sent.

4 MR. GOLUNSKY: If the Tribunal please, as
5 General Vasiliev said, this telegram is from a group
6 of intercented messages already admitted by the
7 Tribunal, and under those messages the name of the
8 person who signed the telegram is not mentioned; but
9 it is clearly shown that the telegram emanated from
10 the Japanese Foreign Office.

11 MR. BLEWETT: We do not believe, your Honor,
12 that that telegram has any probative value, and
13 therefore ask that it be excluded.

14 THE PRESIDENT: Your submission will be
15 considered.

16 General Vasiliev.

17 GENERAL VASILIEV: I shall present in evi-
18 dence a Japanese Government telegram No. 739 sent
19 from Tokyo to Berlin on August 15, 1941, document
20 No. 15-F(3), to prove that the decision adopted at
21 the conference on July 2, 1941 to secretly carry on
22 military preparations against the USSR camouflaging
23 them by diplomatic negotiations, was actually carried
24 into effect.

25 This telegram was published in the symposium

1 "Pearl Harbor", an official government publication
2 issued in Washington. Simultaneously I present this
3 symposium for identification.

4 CLERK OF THE COURT: Prosecution's document
5 No. 15-F(3) will receive exhibit No. 803 for identi-
6 fication only.

7 (Whereupon, the above-mentioned docu-
8 ment was marked prosecution's exhibit No. 803
9 for identification.)

10 THE PRESIDENT: The excerpt is admitted on
11 the usual terms.

12 CLERK OF THE COURT: And the excerpt therefrom,
13 bearing the same prosecution's document number, will
14 receive exhibit No. 803-A.

15 (Whereupon, the above-mentioned docu-
16 ment was marked prosecution's exhibit No. 803-A,
17 and received in evidence.)

18 THE PRESIDENT: Major Blakeney.

19 MR. BLAKENEY: I should like to point out
20 that in this document also, together with certain others
21 that are yet to come, bear no evidence whatever of
22 their origin, from whom they were sent or to whom
23 they are going, and are, therefore, objected to on the
24 same grounds.

25 THE PRESIDENT: All these intercepted messages

1 or what purport to be intercepted messages are ad-
2 mitted. The Court will have to determine later the
3 extent of their probative value.

4 GENERAL VASILIEV: I quote an excerpt from
5 the telegram:

6 "At time time of my conversation with Ambassa-
7 dor Smetanin the other day, I mentioned our desires
8 in regard to the full realization of our rights and
9 interests in Northern Saghalien and also the removal
10 of danger zones in the waters of the Far East. Since
11 then, we have been asked by the Soviet as to the atti-
12 tude of Japan toward the German-Russian war; to which
13 we have replied that there has been no change in our
14 intentions of continuing friendly relations between
15 Japan and Russia, that thus far we have maintained
16 an attitude of observing the neutrality pact, and
17 that it is still our desire to continue this in the
18 future, but, that whether or not we can continue thus
19 is a question that depends on the way in which the
20 Soviet Union responds to this. For instance if (a)
21 any of the Soviet Union's territory in East Asia
22 should be ceded, sold, or leased to a third power,
23 or offered as military bases, (b) the Soviet Union
24 should take any steps that would cause the sphere of
25 any third power's military movements to be extended

1 into East Asia, or should conclude with a third
2 power an alliance that might have the Empire as its
3 object, we certainly could not overlook the threat
4 that this would be to our nation.

5 "To this the Soviet Ambassador replied, that
6 the Soviet government is rigidly observing the Japanese-
7 Soviet neutrality pact, and that as far as the above
8 mentioned two points are concerned he could give
9 assurance that there has been nothing of the kind and
10 that there will be none in the future."

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1 GENERAL VASILIEV (Continuing): That is what
2 the Soviet Ambassador was told.

3 And now I shall present to the Tribunal a
4 document showing how the same talk was described in
5 a conversation with the German Ambassador.

6 I shall present in evidence document No.
7 15-F(4), a Japanese Government telegram No. 740 from
8 Tokyo to Berlin dated August 15, 1941 from the same
9 symposium "Pearl Harbour."

10 CLERK OF THE COURT: Prosecution's document
11 No. 15-F(4) will receive exhibit No. 804.

12 (Whereupon, the above-mentioned docu-
13 ment was marked prosecution's exhibit No. 804
14 and received in evidence.)

15 GENERAL VASILIEV: I quote an excerpt con-
16 taining a question put by Ott, German Ambassador in
17 Tokyo, about the talk with the Soviet Ambassador which
18 I have just mentioned:

19 "The Soviets do not have the impression that
20 Japan will not take part in the German-Soviet war."

21 The telegram goes on:

22 "To this I replied that in view of the mil-
23 itary expansion the Empire is at present effecting, I
24 think under present existing conditions the above-
25 mentioned arrangement with the Soviet is the very best

1 means of taking the first steps toward carrying out
2 future plans concerning the Soviet which will be
3 undertaken together with the German Government, that
4 this is entirely in harmony with the spirit and
5 objectives of the Tripartite Treaty, and that I hoped
6 that the German Government would fully understand
7 this point."

8 Now I shall present in evidence a telegram
9 from Tokyo to Berlin dated December 6, 1941, No. 1003,
10 proving that the attack on the Soviet Union was a
11 matter of time and situation. (Document No. 2593-D(37)).
12 It is a part of the entire document which received
13 exhibit No. 603 for identification only.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 2593-D(37) will receive exhibit No. 805.

17 (Whereupon, the above-mentioned docu-
18 ment was marked prosecution's exhibit No. 805
19 and received in evidence.)

20 GENERAL VASILIEV: I quote the following
21 excerpt from the telegram:

22 "From the standpoint given in 4 of my
23 #985b, we would like to avoid bringing about any
24 situation likely to result in an armed clash with
25 Soviet Russia until strategic circumstances permit it;

1 and so get the German Government to understand this
2 position of ours and negotiate with them so that at
3 least for the present they would not insist upon
4 exchanging diplomatic notes on this question."

5 I shall read an excerpt from a telegram
6 signed by Ermansdorf, member of the German Legation
7 at Bangkok, dated November 17, 1941 to the Reich
8 Foreign Minister, Document Number 11-A(6).

9 This telegram was presented to the Tribunal
10 in evidence in the course of the previous phase of
11 the trial and received exhibit No. 655. Therefore,
12 if your Honor please, I confine myself to quoting this
13 excerpt which should not receive its separate exhibit
14 number.

15 I shall read an excerpt containing OSHIMA's
16 statement to the German Government:

17 "He is of the opinion that in view of the
18 time of year, military operations against the Soviet
19 Union could take place only on a limited scale. It
20 probably would not prove too difficult to occupy the
21 northern (Russian) part of the island of Sakhalin.
22 In view of the severe losses which the Soviet troops
23 have suffered at the hands of the German troops, they
24 could also probably be driven away from the border.
25 However, any attack on Vladivostok or even any advance

1 toward Lake Baikal at this time of year was scarcely
2 possible and would under present circumstances have
3 to be postponed till Spring."

4 I shall present in evidence an excerpt from
5 a telegram of Ott, German Ambassador in Tokyo, sent
6 to Berlin on January 29, 1942, No. 245, proving that
7 the Japanese Government was only waiting for a favor-
8 able moment to attack the USSR and did not cease pre-
9 paring for the war against her. Document No. 11-A-(7).

10 It will be noted that document No. 11-A-(7)
11 received exhibit No. 639 for identification only.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 11-A-(7) will receive exhibit No. 806.

15 (Whereupon, the above-mentioned docu-
16 ment was marked prosecution's exhibit No. 806
17 and received in evidence.

18 GENERAL VASILIEV: I quote the end of page
19 3 of the English text.

20 "According to very confidential information,
21 however, military preparations against Russia are
22 under way in Manchuria. Influential circles here are
23 of the opinion that after the conquest of Port Darwin,
24 Japan must turn against Russia and seize Vladivostok,
25 the coastal province and North Sakhalin in order

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1 definitively to make itself also secure in the north."

2 I tender in evidence a telegram by Ribbentrop,
3 No. 1197, sent from Berlin to the German Ambassador in
4 Tokyo on May 15, evidently 1942 judging by its contents,
5 proving that on the one hand Germany insisted on Japan's
6 entry into the war, on the other she made it dependent
7 on how far the Japanese armed forces were prepared for
8 it and on the possibility of launching an attack against
9 the U.S.S.R. without withdrawing her armed forces from
10 the south, document No. 1230.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution's document
13 No. 1230 will receive exhibit No. 807.

14 (Whereupon, the document above referred
15 to was marked prosecution's exhibit No. 807 and
16 received in evidence.)

17 GENERAL VASILIEV: I quote an excerpt numbered
18 1:

19 "With respect to the question dealt with in
20 your telegram on Japanese-Russian relations, the follow-
21 ing should be taken under consideration: without
22 doubt the opportunity to seize the Siberian Coastal
23 Province and Vladivostok, so vitally necessary to
24 Japanese security, will never be as favorable as at
25 present when Russia's combined strength is strained

1 to the utmost on the European front. In this situation
2 the following exists:

3 "1) If Japanese estimates of Russian forces
4 in Siberia are accurate, and she is able to overcome
5 Russian resistance in Vladivostok and penetrate into
6 Siberia in the direction of Lake Baikal, then such an
7 undertaking would be very significant to the subsequent
8 development of the war. Japan can not evade the threat
9 to her rear from Russian coastal provinces, it would
10 therefore be best if she would arrive at a decision to
11 attack Vladivostok at the very earliest. There is no
12 question that this intervening time is used by the
13 Russians in cooperation with the Americans for the sole
14 purpose of fortifying the Siberian Coastal areas in
15 order to provide air bases which will constitute a threat
16 to Japan. Therefore, the earlier the push against
17 Vladivostok takes place the less progress will have been
18 made in these preparations. However, this is all based
19 on the premise that Japan is sufficiently strong for
20 an operation of this nature and will not have to free
21 other forces which would weaken her position against
22 England and America, as for example, in Burma.

23 "2) If Japan lacks the necessary strength to
24 successfully undertake such an operation then it would
25 naturally be better that she maintain neutral relations

1 with Soviet Russia."

2 I omit a few lines, as they will be quoted
3 in connection with some other issue, and continue to
4 quote the last line of page 1:

5 "By maintenance of neutrality, the risk of a
6 long drawn out war with insufficient forces and
7 particularly with danger of air attacks against the
8 Japanese Home Islands will be avoided. In this respect,
9 Japan must undertake the offensive in some other direc-
10 tion, as for example, India or Australia, in order to
11 contribute effectively to the joint conduct of the war.

12 "In summing up, the following is to be said
13 from the German standpoint: a sudden and successful
14 attack against Soviet-Russia might prove a great boon
15 for the further conduct of the war to the Tripartite
16 Powers, but this should only be undertaken if success
17 can be assured."

18 Other excerpts from this telegram will be read
19 by me in connection with some other questions.

20 I shall present in evidence a telegram,
21 No. 433, from Tokyo to Washington, dated July 31, 1941,
22 proving that postponing the moment of the attack till
23 the time of a more favourable situation the Japanese
24 military clique was at the same time afraid of being
25 late and missing an opportunity of carrying out its

1 aggressive plans against the U.S.S.R., document
2 No. 2593D(2). It is a part of the entire document
3 which received exhibit No. 603 for identification only.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document No.
6 2593D(2) will receive exhibit No. 808.

7 (Whereupon, the document above referred
8 to was marked prosecution's exhibit No. 808 and
9 received in evidence.)

10 GENERAL VASILIEV: I quote an excerpt from this
11 telegram, part 2; page 2 of the English text:

12 "Needless to say, the Russo-German war has
13 given us an excellent opportunity to settle the northern
14 question, and it is a fact that we are proceeding with
15 our preparations to take advantage of this occasion.
16 Not only will we have to prepare, however, but we must
17 chose well our chance. In view of the real situation
18 facing our Empire, this should be easily understood.
19 If the Russo-German war proceeds too swiftly, our
20 Empire would inevitably not have time to take any
21 effective symmetrical action."

22 To prove that Japan had no reasons to fear
23 an attack on the part of the U.S.S.R., I shall present
24 in evidence a research report, No. 131, dated
25 December 1, 1945, and called "Japan's Decision to Fight."

1 This was published by General Headquarters of the Supreme
2 Commander for Allied Powers, document No. 1628.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 1628 will receive exhibit No. 809.

6 (Whereupon, the document above referred
7 to was marked prosecution's exhibit No. 809 and
8 received in evidence.)

9 MR. FURNESS: If the Court please, we would
10 like to know what this research report is, what date
11 it purports to speak. According to its fact, it is
12 dated 1 December 1945 which is after the war was over.

13 THE PRESIDENT: The whole document is tendered
14 for identification. It is on the table before us. I
15 understand it is a SCAP document.

16 MR. FURNESS: According to its face, the SCAP
17 document is also dated 1 December 1945.

18 THE PRESIDENT: It looks like a SCAP record
19 of certain events, including this one. It is an army
20 document coming within the express terms of the Charter
21 I think, Major Furness.

22 MR. FURNESS: I know it is, but it speaks of
23 1 December 1945. Is it Japan's decision at that time
24 or --

25 THE PRESIDENT: That is the date of the research

1 report. It is a case of the absence of a date, not
2 of inconsistency between dates.

3 MR. FURNESS: I suppose I should leave it to
4 to the prosecution to clear it up.

5 THE PRESIDENT: General Vasiliev.

6 GENERAL VASILIEV: From this report I quote
7 section "General Situation," Item "E", of a secret
8 operation order No. 1, dated November 1, 1941, issued
9 by the combined navy and signed by Admiral YAMAMOTO,
10 Isoku, Commander in Chief of the Japanese combined
11 navy in connection with preparing war against the
12 U.S.A. and England. The rest of the document will be
13 used by Mr. English. I quote page 7 of the English
14 text:

15 "Policy toward the Soviet Union. The
16 strength of Soviet forces on the Soviet-Manchukuoan
17 border is formidable. The Union of Socialistic Soviet
18 Republics is maintaining a vigilant alert awaiting
19 developments. However, if the Empire does not attack
20 the Soviet Union, it is believed that the Soviet Union
21 will not commence hostilities."

22 THE PRESIDENT: That assigns the date and the
23 source.

24 MR. FURNESS: Of course, it isn't yet in
25 evidence but I understand it will be put in evidence.

1 GENERAL VASILIEV: To show that Germany no
2 doubt appreciated that help which was rendered to it
3 by means of tying up Soviet Army forces in the Far East,
4 I shall read an excerpt from Ribbentrop's telegram to
5 the German Ambassador in Tokyo dated May 15, evidently
6 1942. The telegram has just been presented by me in
7 evidence, prosecution document No. 1230, exhibit No. 807.

8 This excerpt is numbered 2 in the English copies
9 of the document. The following words, quoted before,
10 precede the passage I am going to read. I quote them
11 for the sake of preserving logical sequence:

12 "If Japan lacks the necessary strength to
13 successfully undertake such an operation then it would
14 naturally be better that she maintain neutral relations
15 with Soviet Russia."

16 The next few lines have direct bearing upon
17 the question under consideration:

18 "This also eases our burden since in any event
19 Russia must maintain troops in East Siberia in antici-
20 pation of a Japanese-Russian conflict."

21 I present a document showing that in case the
22 Hitlerite Germany would face the tragic moment when
23 her complete defeat became a certainty, Japan planned
24 an attempt to help her ally by offering peaceful medi-
25 ation between the U.S.S.R. and Germany, even threatening

1 the U.S.S.R. with opening hostilities against her.

2 This is an excerpt from the symposium of the
3 Institute of Total War entitled, "The Program of Total
4 War in the First Period," "The Construction of East
5 Asia," drawn up in February, 1942. This entire sympos-
6 ium, document No. 1621, has been presented for identifi-
7 cation by Colonel Rosenblit, exhibit No. 689. I present
8 an excerpt in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 1621B will receive exhibit No. 810.

12 (Whereupon, the document above referred
13 to was marked prosecution's exhibit No. 810 and
14 received in evidence.)
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1 GENERAL VASILIEV: I quote on page 4 of the
2 English text:

3 "If there should arise good prospect that
4 peace between Germany and the U.S.S.R. would cause
5 Soviet alienation from America and Britain and reduce
6 the threat against Japan, we shall mediate for peace
7 between Germany and the Soviet Union by bringing, if
8 necessary, pressure to bear at a period when the
9 war situation is favorable to Germany.

10 "To force peace on the Soviet Union by hinting
11 at a declaration of war against her if she should refuse
12 to suspend hostilities."

13 I omit part of Item II.

14 "When the war situation is unfavorable to
15 Germany, it shall be the general rule that no efforts
16 will be made to bring about peace between Germany and
17 the Soviet Union. However, we must be prepared to
18 exert great pressure on the Soviet Union in case of
19 unavoidable necessity, and to expect a peace which
20 may not be necessarily satisfactory."

21 Now I shall pass over to presenting evidence
22 showing that during the war of Germany against the
23 U.S.S.R. the Japanese military clique provided Germany
24 with the information concerning the military and poli-
25 tical situation of the U.S.S.R. using for this purpose

1 Japanese military and diplomatic bodies.

2 I shall quote an extract from Ribbentrop's
3 telegram to the German Ambassador in Tokyo, dated
4 July 10, 1941, prosecution document No. 571, exhibit
5 No. 771, that has already been offered in evidence
6 to the Tribunal. This excerpt is numbered 3 in the
7 English copies of the document.

8 "Please thank the Japanese Foreign Minister
9 at this opportunity for having transmitted the telegram
10 from the Japanese Ambassador at Moscow. It would be
11 good if we could receive more news from Russia in this
12 way at regular intervals."

13 Along with other evidence, the affidavit of
14 witness NOHARA, Komakichi, press agent of the Japanese
15 Embassy in Berlin, dated February 15, 1946, document
16 No. 2074, shows that Ribbentrop's wish was gratified;
17 that is to say, the provision of Germany with the
18 information on military and political conditions in
19 the U.S.S.R. continued on a large scale.

20 I shall present this affidavit in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 2074 will receive exhibit No. 812.

24 Correction: Prosecution's document No. 2074
25 will receive exhibit No. 811.

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 811, and was received in evidence.)

4 GENERAL VASILIEV: I quote the most important
5 passages from the affidavit.

6 When asked, "Explain the origin and character
7 of the documents in German and English shown to you
8 which were found on you by the Red Army officer when
9 you were apprehended, and why were these documents on
10 you," the witness answered:

11 "Answer: The present documents on four sheets
12 of paper which were actually found on me, belonged in
13 the past to the Japanese Embassy in Berlin. As I was
14 a convinced anti-Fascist I was against the war of Japan
15 and Germany against the Soviet Union and her allies.
16 I deliberately kept these documents and intended to use
17 them in the interest of the allies, as I was sure that
18 the day would come when these documents would to a
19 certain extent expose the Japanese war criminals, who
20 had provoked the war against the peace-loving countries
21 and brought their country and their people to a
22 catastrophe. Therefore, I kept those documents and
23 made no attempt to hide or destroy them. When on the
24 21st of April 1945 I was taken in Strausberg I handed
25 them over to the Soviet officer. The greater part of

1 these documents were secret. Though it was not my
2 immediate duty, as a press agent, to deal with docu-
3 ments of that kind, yet I was made to be concerned
4 with secret work by the counselor of the Embassy
5 Kavahara Sin."

6 Correction: Embassy Kavahara.

7 "My duty was to work at the documents of
8 military and other secret information. The work was
9 considered to be top secret and nobody but Ambassador
10 OSHIMA, the counselor of the Embassy Kavahara and me
11 were initiated in it. The greater part of the present
12 documents which were found about me are copies of
13 memorandums, containing secret information about the
14 number and disposition of the units of the Red Army,
15 its equipment and supplies, the state of the war indus-
16 try of the Soviet Union and its production: planes,
17 tanks and also manpower of the U.S.S.R. The Japanese
18 Embassy in Berlin received military information of
19 similar nature about the Soviet Union from Japanese
20 Ambassadors in Moscow TATEKAVA and SATO in the form of
21 ciphered telegrams, at which the Counselor Kavahara
22 and me worked afterwards and translated into German.
23 Afterwards the Japanese Embassy in Berlin passed that
24 information to the German Ministry for Foreign Affairs.
25

"Question: You are being shown the document

1 of the 19th of January 1945, headed 'War Potential of
2 the Soviet Russia,' in which figures of planes, tanks,
3 oil, etc., produced in the Soviet Union, are omitted.
4 By whom and when was the document drawn up and what
5 does the omission of the figures mean?

6 "Answer: This document was drawn up by the
7 Counselor Kавahara and me in January, 1945, on the
8 ground of the information, received from SATO, the
9 Japanese Ambassador in Moscow. The omission of the
10 figures is made by the Counselor Kавahara; he wrote
11 them in hand in the 1st copy and handed the copy as
12 it was, to the Germans. This information Kавahara
13 considered top secret.

14 "Question: Among the documents found about
15 you, there is a document under the title of 'On the
16 Strength of the Red Army.' There is a mark, made in
17 your hand on this document, stating that on the 21st
18 of January, 1942, the military attache in the Japanese
19 Embassy in Moscow, through us, handed the following
20 information to the Ministry for Foreign Affairs. Under
21 the document it is written in your hand that 'on the
22 22nd of January, 1942, that information was in the
23 hands of the German Commander-in-Chief.' Explain what
24 those marks on that document mean.

25 "Answer: This document is a record of secret

1 information received by the Japanese Embassy in Berlin
2 from the Japanese attache in Moscow on the 21st of
3 January, 1942. That's how the origin of this informa-
4 tion was explained to me orally by the Counsel of the
5 Embassy, Kavahara. The record is reproduced by me in
6 this document on the ground of draft copies. The next
7 day, on the 22nd of January, after Kavahara and me had
8 worked up this document, the Counselor Kavahara per-
9 sonally handed it to the German Foreign Office. As to
10 the delivery of secret information about the Allies to
11 the Germans by the Japanese Embassy in Berlin, I want
12 to say in addition that from 1939 till 1945 the
13 Japanese Embassy handed, as far as I remember, about 40
14 communiques to the Germans whenever they were coming
15 from Moscow, London and Tokyo. The contents of those
16 materials, mainly, refer to war-economic power of the
17 U.S.S.R. and her Allies. Part of the materials were
18 summaries of certain investigations concerning dif-
19 ferent problems, other materials were results of per-
20 sonal observations of the Japanese" -- and other
21 foreigners -- "who passed through the Soviet Union in
22 war-time."

23 I omit a question and answer, and pass over to
24 the next page.

25 "Question: By whose orders did the Japanese

1 Embassy in Berlin pass the secret information about the
2 U.S.S.R. to the Germans?

3 "Answer: By the order from Tokyo and the
4 personal order of Ambassador OSHIMA."

5 THE PRESIDENT: We will adjourn now until
6 half past one.

7 (Whereupon, at 1200, a recess was
8 taken.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE MONITOR: Before we begin, Mr. President,
4 the reading of the Japanese translation of what was
5 read by the Soviet prosecutor was a few lines behind.
6 I request that we be allowed to finish it up.

7 THE PRESIDENT: General Vasiliev.

8 MR. SHIMANOUCI: I am SHIMANOUCI, counsel
9 for the defendant OSHIMA. I should like to ask a
10 question to the prosecutor. In the first page of
11 exhibit 811 it is said NOHARA is now detained in the
12 Soviet Union.

13 The first point of my question is: Why was
14 he detained in the first place? And, when he was
15 being interrogated, whether he was being tried as a
16 war criminal -- whether he was going to be tried as a
17 war criminal, or he was being tried as a war criminal,
18 or that he had been tried already as a war criminal.
19 This is the first point that I should like to ask.

20 The second point of my question is, accord-
21 ing to the exhibit 811, NOHARA is said to be a Japan-
22 ese national. However, NOHARA was not a pure Japan-
23 ese; he is a Eurasian born of a German and a Japanese,
24 and that he was merely an employee of a minor --
25 lesser rank of the Embassy, and that he did not know

1 the Japanese language very well.

2 THE MONITOR: Slight correction: The point
3 I would like to ask is whether, because he is a
4 Eurasian, is it not true that he does not speak
5 Japanese very well? And also, second question is,
6 is it not true that he has a very low rank in the
7 employ of the Japanese Embassy in Germany?

8 THE PRESIDENT: Counsel is not at liberty
9 to give evidence at this stage. However, the Russian
10 prosecutor might answer those questions as far as
11 he can.

12 Minister Golunsky.

13 MR. GOLUNSKY: All I can say is that at the
14 time when he was questioned, NOHARA was not put to
15 trial as a war criminal, nor was he charged with any
16 war crime. He was interned as all the other personnel
17 of Japanese diplomatic mission. What is his status
18 at the present time? I cannot tell at the moment. I
19 will make inquiries and submit the information to the
20 Tribunal as soon as I get it.

21 As to his racial origin and the extent of
22 his knowledge of the Japanese language, I, unfortun-
23 ately, cannot give any information to the Tribunal
24 because I do not possess it.

25 THE PRESIDENT: Well, now, just a minute.

1 I think we have heard enough about this. I am sure
2 you will want to start making statements of fact
3 which may very properly be the subject of evidence
4 later on, which cannot properly be stated now.

5 MR. SHIMANOUCI: I have something to ask
6 of the Tribunal. I should like to ask the Tribunal
7 to direct the prosecution to summon NOHARA as witness
8 to the Tribunal on the ground that NOHARA's testi-
9 mony -- it is very important in determining OSHIMA's
10 case, and that there is a great difference and dis-
11 crepancy between his testimony and OSHIMA's testi-
12 mony as appears in OSHIMA's interrogation. And he
13 should be called, I think, for the purpose of cross-
14 examination.

15 THE PRESIDENT: The application will be
16 considered.

17 General Vasiliev -- Mr. Chief Prosecutor.

18 MR. KEENAN: Mr. President, a subpoena has
19 issued from this Tribunal at the behest of the de-
20 fense for the forthwith appearance of former Major
21 General MATSUMURA, Japanese Army. He has been
22 brought here by the Soviet prosecution for the purp-
23 ose of appearing in Court, presenting his affidavit,
24 and giving cross-examination in accordance with the
25 usual procedure. He will be presented in court within

1 a day or two, in the orderly procedure of the pre-
2 sentation of the prosecution's case. We, therefore,
3 ask the Court respectfully to suspend the Order for
4 his being ordered to appear forthwith on behalf of
5 the defense for the reasons stated.

6 THE PRESIDENT: We will treat his appear-
7 ance here during this stage of the case as a com-
8 pliance with the Order.

9 Major Blakeney.

10 MR. BLAKENEY: I should like to be heard on
11 the matter inasmuch as the subpoena and alias sub-
12 poena were issued at my behest. Appearance of the
13 witness on behalf of the prosecution, of course,
14 does not comply with my request that he be brought
15 here for direct testimony on behalf of the defense.

16 THE PRESIDENT: You might refresh my memory
17 with the facts. What happened in respect to this
18 particular person?

19 MR. BLAKENEY: The subpoena was issued some
20 months past at the request of General UMEZU for the
21 appearance of General MATSUMURA to testify on his
22 behalf. In requesting issuance of that subpoena, I
23 made the statement that I was unable to say when his
24 attendance for testimony would be required but that
25 his attendance for consultation with counsel was

1 required forthwith. It having been apparently im-
2 possible for the Secretariat to procure service of
3 the subpoena, I requested and secured the issuance
4 of an alias subpoena last week, I believe. No
5 matter what the witness may testify on behalf of the
6 prosecution, I would be limited by the rules of
7 cross-examination from proving by him, even if I de-
8 sired to in this stage, the matters for defense for
9 which he was originally requested as a witness.

10 I see nothing in what has just been said
11 here to suggest any reason that this Tribunal -- that
12 the subpoena should not be served on the witness
13 whenever and wherever he can be found. Certainly,
14 I detect nothing in the Charter to suggest any im-
15 munity on the witness for service of process by this
16 Tribunal. I, therefore, respectfully request that
17 the Marshal be directed to serve the subpoena on the
18 witness when he appears in the courtroom if it cannot
19 be served before.

20 THE PRESIDENT: Well, this is the position:
21 You issued a subpoena for him. But, before it was
22 served, he was approached, apparently, by the prose-
23 cution who say they will have him here in the course
24 of a day or two. The situation is somewhat novel.
25 However, if he is called here in the course of a day

1 or two, there will be nothing to prevent you from
2 serving a subpoena.

3 MR. KEENAN: Mr. President, may I ask the
4 Court to direct that the subpoena, which is now out
5 and which calls for his presenting himself forthwith
6 before this Court, as I understand it, be suspended
7 for the reason that we have had past experience
8 where we have brought affidavits of witnesses --
9 Japanese witnesses -- here, and they get in the hands
10 of defense counsel. We have had an unfortunate ex-
11 perience with their testimony when they appear on
12 the witness stand.

13 Mr. President, the time for the presentation
14 of the defense has not arrived, and we are present-
15 ing a witness in accordance with the Court's ruling,
16 in an orderly fashion, and we do not want to have
17 him subpoenaed and brought into this court by the
18 Court's Order for the purposes of defense before we
19 have an opportunity of using him as our witness at
20 our time during this prosecution. We have had un-
21 fortunate experience in the single instance we know
22 of in the past.

23 We request to have the Order suspended for
24 the reasons stated.

25 THE PRESIDENT: The summons is to the court

1 and not to the witness to place himself in the
2 hands of either the prosecution or the defense.
3 Our only concern is that he comes here at the time
4 stated in the summons.

5 MR. BLAKENEY: Mr. President, in view of
6 the covert charge made by the Chief Prosecutor, I
7 should like to point out that this witness was sub-
8 poenaed by the defense long before there was any
9 intimation that he would testify on behalf of the
10 prosecution.

11 THE PRESIDENT: Major Furness.

12 MR. FURNESS: If the Tribunal please, if
13 the Chief Prosecutor has any charges to make, I wish
14 he would make them openly. I also request that they
15 be investigated by this Tribunal.

16 THE PRESIDENT: There is no charge before
17 us against any specific individual, and, therefore,
18 there is nothing for us to investigate.

19 MR. FURNESS: If he makes them at all, I
20 think he should be specific.

21 THE PRESIDENT: Well, I am satisfied to
22 state what I regard as the Tribunal's position. We
23 have issued an Order. If it is complied with, as
24 it can be by the witness coming here at the time
25 stated, that is the end of the matter as far as we

1 and not to the witness to place himself in the
2 hands of either the prosecution or the defense.
3 Our only concern is that he comes here at the time
4 stated in the summons.

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6 the clever charge made by the Chief Prosecutor, I
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12 MR. FURNESS: If the Tribunal please, if
13 the Chief Prosecutor has any charges to make, I wish
14 he would make them openly. I also request that they
15 be investigated by this Tribunal.

16 THE PRESIDENT: There is no charge before
17 us against any specific individual, and, therefore,
18 there is nothing for us to investigate.

19 MR. FURNESS: If he makes them at all, I
20 think he should be specific.

21 THE PRESIDENT: Well, I am satisfied to
22 state what I regard as the Tribunal's position. We
23 have issued an Order. If it is complied with, as
24 it can be by the witness coming here at the time
25 stated, that is the end of the matter as far as we

1 are concerned. Further action, disciplinary or
2 otherwise, may be rendered necessary later accord-
3 ing to the attitude of the defense or the prosecu-
4 tion towards the witness.

5 MR. KEENAN: Mr. President, so that the
6 counsel for prosecution get the matter clearly, here
7 is a witness who we are preparing in the orderly
8 course of our prosecution to present tomorrow or
9 Monday. We are now conferring with him about the
10 preparation for his testimony. In the meantime, we
11 are ordered to present him forthwith in the custody
12 of the Court to serve as a defense witness before,
13 of course, the defense is ready to present its
14 testimony. Are we to now bring him down to this
15 courtroom forthwith and have him stay in the witness
16 room, or may we keep him where he already is and
17 bring him in in the course of the next two or three
18 days in the orderly presentation of our case? May
19 I make that direct inquiry of the Court?

20 Mr. President, that the Court may know the
21 state of the record, briefly, on 30 July, 1946 a
22 summons to testify was issued to MATSUMURA, Japanese
23 national, USSR, "to appear in person as a witness on
24 behalf of the prosecution."

25 I am informed by the Clerk that there was a

1 subpoena issued 16 July, 1946 by defense requiring
2 his presence in a summons to testify for defense.

3 THE PRESIDENT: What does the rest of the
4 summons say?

5 MR. KEENAN: The summons that I am advert-
6 ing to now is dated 11 October, 1946, and it reads:
7 "You are hereby summoned and required to be and
8 appear in person forthwith at the witness room,
9 No. 123, in the Courthouse of the International
10 Military Tribunal for the Far East," etc., "then and
11 there to testify on behalf of the accused UMEZU in
12 the above entitled case."

13 THE PRESIDENT: The defense were the first
14 to summon him, and they summoned him on the 16th of
15 July -- on the 11th of July, was it?

16 MR. KEENAN: That is correct.

17 THE PRESIDENT: They were the first to
18 summon him.

19 MR. KEENAN: But, of course, Mr. President,
20 he is not being called by the defense to testify forth-
21 with during the period of time when the prosecution
22 is proceeding. He is now, Mr. President, being
23 interviewed by the prosecution, will be here in two
24 or three days, and this subpoena takes him out of
25 our control and brings him on behalf of the defense

1 forthwith here and now to testify on behalf of the
2 defense. And I state to the Court that that identi-
3 cal proceeding, when last followed, ended up with
4 our witness in the office of defense counsel. And
5 afterwards, it was necessary to destroy his credi-
6 bility, enacted by the prosecution in this question-
7 ing, as the Court observed. Those are the facts.
8 Let the chips fall where they may.

9 THE PRESIDENT: Well, the fact is, he is
10 here now in the custody of the Court. He is not
11 required immediately for the purpose of defense.
12 They are not giving evidence. But you are giving
13 evidence, and you have subpoenaed him. The Court
14 could make him available to you. You would call
15 him as your witness. And for that purpose, you would
16 be entitled to take a proof of his evidence. We do
17 not want you to put a witness in the box without
18 taking a proof of his evidence.

19 Pending his production in court to give
20 evidence for the prosecution, the defense could not
21 properly approach him. The defense could cross-
22 examine the witness, and, if not satisfied, they
23 could subpoena him for the defense, or they could
24 insist on the subpoena for him as a witness being
25 complied with. Complaine would be effectively made

1 with the subpoena at any time after the defense
2 commence to give evidence.
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1 MR. FURNESS: May I say to clear the record
2 that the witness about whom the Chief Prosecutor
3 spoke was interviewed in my office and was brought
4 out on my own cross-examination and that after that
5 the Court said that I had nothing to explain. If I
6 had had anything to explain I would have explained
7 it then and am ready to explain it now. Prosecutor
8 further said that he had no charge to make against
9 any American counsel.

10 THE PRESIDENT: He expressly exonerated
11 you. I recollect the circumstances clearly. I said
12 that he had named you but he said no, he had not
13 implicated any American counsel. I think you are
14 unduly sensitive, Major.

15 I said the subpoena for the defense could
16 be complied with at any time after the defense gave
17 evidence. That is so. Up to the time they commence
18 to give evidence, of course, the summons does not
19 apply but they will have an opportunity to take proof.
20

21 General Vasiliev.

22 GENERAL VASILIEV: The documents to which
23 NOHARA referred in his affidavit are presented in
24 evidence together with the affidavit of NOHARA. With
25 the permission of the Court I shall not quote them
entirely for they are a long enumeration of various

1 items which characterize the war potential and the
2 war economic potential of the U.S.S.R., and listen-
3 ing to them would be tiresome. I shall only briefly
4 enumerate their titles which are necessary for the
5 understanding of the nature of these documents:

6 "On the strength of the Red Army.

7 "The strength of Russian forces before
8 the outbreak of the Russian-German war,

9 "The European Part of Russia.....

10 "The Far East.....

11 Correction: "The European Part of Russia."

12 "The strength of Russian forces reinforced
13 by mobilization contingents since the outbreak of the
14 war.

15 "Casualties during the war (till the
16 beginning of December 1941).

17 "War Potential of Soviet Russia.....

18 "Output of military production.....

19 "Aircraft.....

20 "Tanks.....

21 "Coal.....

22 "Oil.....

23 "Iron and steel.....

24 "Aluminum.....

25 "Copper.....

"Trucks.....

"Manpower.....

"Food situation....."

I shall read an excerpt from the minutes of interrogation of the defendant OSHIMA dated April 22, 1946, which has already been presented by me in evidence, prosecution document No. 4121, exhibit No. 776. This excerpt proves that NOHARA really was an employee of the Japanese Embassy in Berlin.

I quote an excerpt numbered 4 in the English copies of the document, on page 4 of the English text:

"Question: Do you know NOHARA, press-agent of the Japanese Embassy in Berlin?

"Answer: Yes, I do. He worked as interpreter in our Embassy. His father was Japanese, his mother German, he received German education, was connected with the Embassy and was lately used for radio interception work. He worked with us unofficially."

RUSSIAN INTERPRETER: Correction: In the document referred to by General Vasiliev the words read as "The European Pact of Russia" should have been read, "The European Part of Russia."

GENERAL VASILIEV: (Continuing) Witness MATSUMARA who will be introduced to the Tribunal by my

1 colleague, Colonel Rosenblit, will give testimony as
2 to the provision of Germany with the information about
3 military and political conditions in the U.S.S.R.

4 I shall present for identification the
5 record of Ribbentrop's talk with the defendant OSHIMA
6 on March 6, 1943, document No. 2312, concerning the
7 time of the proposed entry of Japan into the war against
8 the U.S.S.R. and the aid which Japan rendered to Ger-
9 many by tying up the forces of the Soviet Army in the
10 Far East.

11 I offer apology to the Tribunal on the
12 following account. Though brief excerpts from the
13 record of this talk were in due time processed and
14 distributed to the defense, however, owing to the
15 objections raised by the defense to some of the ex-
16 cerpts being too brief and the attitude of the Tribunal
17 toward this question, we have made a much more complete
18 translation but we succeeded in distributing the Eng-
19 lish and Japanese copies of it not long before the
20 beginning of this afternoon session of the Tribunal.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 2312 will receive exhibit No. 812 for identification
24 only and the excerpt therefrom bearing the same pros-
25 ecution document number will receive exhibit No. 812-A.

1 (Whereupon, prosecution's document
2 No. 2312 was marked prosecution's exhibit No.
3 812 for identification; the excerpt therefrom
4 bearing the same number was marked prosecution's
5 exhibit No. 812-A and was received in evidence.)

6 GENERAL VASILIEV: (Reading)

7 "Ambassador OSHIMA declared that he had re-
8 ceived a telegram from Tokyo, and he is to report to
9 the German Foreign Minister, by order of his govern-
10 ment, the following:

11 "The suggestion of the German Government to
12 attack Russia was the subject of a mutual conference
13 between the Japanese Government and Imperial Headquar-
14 ters, in which the question was exhaustively discussed
15 and minutely probed. The result was the following:

16 "The Japanese Government thoroughly recognizes
17 the danger which threatens from Russia and has full
18 understanding for the desire of its German ally, that
19 Japan, too, enters into the war against Russia. It
20 is not possible for the Japanese Government, however,
21 in view of her present war situation to enter into the
22 war. It is rather of the conviction that it is in the
23 common interest, not to start the war against Russia
24 now. On the other hand, the Japanese Government will
25 never disregard the Russian question.

1 "The Japanese Government has the intention
2 to once again, in the future, take the offensive on
3 the other fronts.

4 "On the declaration of the Ambassador, the
5 German Foreign Minister asked how one conceived, in
6 Tokyo, the future waging of the war. At present,
7 Germany is to a great extent waging war against the
8 common enemies, England and America, alone, while
9 Japan is taking a rather defensive stand. However,
10 it would be more in order if all the powers bound by
11 the Tripartite Pact joined all their forces to jointly
12 defeat not only England and America, but Russia as
13 well. It is not good when one part must fight alone.
14 One should not overstrain the German people's strength.
15 In secret he is concerned that forces could be at
16 work in Tokyo, who are of the opinion -- and who also
17 propagate it -- that Germany would conclude the fight
18 victoriously anyway, and Japan should therefore fur-
19 ther consolidate herself before it would make further
20 and supreme efforts.

21 "The U.S.A. and England were pursuing the
22 strategy that the Allies should at first turn all
23 their strength against Germany and Italy alone, and
24 had also expressed this in CASABLANCA completely openly
25 as their program. Actuality has confirmed this until

1 now. Unfortunately, Ambassador SATA in KUIBYSHEV has
2 apparently delivered to the Russians in this matter
3 the assurance of the absolute neutrality of Japan.
4 However, we had to undergo the experience that on the
5 Eastern Front -- especially in STALINGRAD also --
6 fresh Siberian division had fought. We would never-
7 theless attack the Russians again and again. The
8 situation on the Eastern Front had stabilized itself
9 and a stable German Front had been established except
10 for a small, still existing, gap. However, at the
11 same time we have to fight against England and America
12 more or less by ourselves in Africa, in the air and
13 on all the oceans as well.

14 "Compared with this, Japan's share was small.
15 Even the battle area in BURMA was small in comparison.
16 Tokyo must therefore understand it when Germany raises
17 the question of whether in the spirit of waging the
18 joint war, it is the correct strategy for Japan not to
19 make full use of her people's strength, while Germany's
20 is strained to the limit. He would like to emphasize
21 again that if Germany would ever become weak, Japan
22 would find herself facing a world coalition which
23 would consist not only of England, America and Russia,
24 but the people's strength /VOLSKRAFT/ of all the
25 countries on earth, as well as that of a bolshevized

1 Europe. The question was therefore raised whether
2 at this time so exceedingly decisive for the outcome
3 of the war, the strength of the allies was properly
4 distributed and was really being used in the spirit
5 of a joint, total conduct of the war.

6 "Ambassador OSHIMA answered that what deci-
7 ded the issue for Japan was whether she had sufficient
8 forces and whether her armament capacity was suffi-
9 cient in order to attack and defeat the Russians, in
10 addition to the enemies Japan already has, without
11 endangering her operations on the other fronts.
12 Tokyo is afraid of splitting its forces. On the other
13 hand Japan's attitude was in no way purely defensive
14 and just waiting, but a new attack against the U.S.A.
15 and the British will surely take place. Even though
16 he has no detailed reports concerning this, he per-
17 sonally believes that this attack will come in the
18 direction of the Indian Ocean. In any case, however,
19 the belief in an inseparable mutual victory of the
20 allies was a foregone conclusion for Tokyo."

21 (Omission)
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1 "The German Foreign Minister commented at
2 this point that an infraction of mutual trust was
3 naturally completely out of the question, since this
4 was unshakeable between Germany and Japan. In the
5 matter of the inquiry which was brought up, it was
6 solely a question of the joint conduct of the war,
7 the strategy which is to be jointly carried out,
8 that is, the proper use of the common strength. Ger-
9 many entirely understands that Japan must first finish
10 constructing her newly won bases and positions and
11 must consolidate her forces. Japan had done this for
12 a year and now when Germany is bearing the brunt of
13 the struggle, Japan should be in a position to be
14 able to apply a new decisive blow against the common
15 enemy. It was in no way a question of mutual trust,
16 but he sometimes is concerned that Japan has the in-
17 tention of consolidating her forces for yet another
18 year and only later starting a new attack.

19 "Upon this the Ambassador replied that he
20 did not think so. The intentions of the military
21 leaders in his fatherland were unknown to him; never-
22 theless, he knew that for a long time Japan had the
23 intention of turning against Russia. But for the
24 time being she evidently did not feel strong enough
25 to do so. If one withdrew the front in the South and

1 abandoned several islands to the enemy in order to
2 shift all forces to the North, this could be possible.
3 This would, however, mean a heavy defeat in the South.
4 Both an advance to the South, and at the same time to
5 the North was impossible for Japan."

6 (Omission)

7 "The German Foreign Minister then once
8 more brought up the question of a Japanese attack on
9 Russia, by stating that the struggle on the Burma
10 Front as well as in the South was more of a maritime
11 problem and that actually only a few land troops
12 were being employed on all fronts, excepting China.
13 The attack on Russia was therefore in the first place
14 a matter for the Army and the consideration was
15 whether the necessary forces were nevertheless ready
16 for this. OSHIMA replied that the bulk of the Jap-
17 anese Army was bound in China and on the Burma Front
18 the forces were by no means insignificant either. If
19 Japan should want to attack Russia, she would have to
20 bring almost all the troops from the South into Manch-
21 uria. In any case, one did not have enough troops in
22 order to be able to attack Russia with the firm pros-
23 pect in an early victory."

24 (Omission)

25 I pass over to page 4.

1 "The general strength of the Russian Army
2 amounts to 800,000 men. It was quite natural that
3 the Russians left so many troops at the frontier, as
4 in the course of their history they had always until
5 now made extremely unpleasant experiences with sur-
6 prise attacks on the part of Japan.

7 "Concerning our reports on Russia's im-
8 ports from the U.S.A. via VLADIVOSTOK, OSHIMA thought
9 that Japan allowed the Russians only one seaway, and
10 that on this seaway all ships are searched for arms
11 and ammunition."
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THE PRESIDENT: Counsellor SHIMANOCHI.

1 MR. SHIMANOCHI: The document which has
2 just been read by the prosecutor is a completely
3 different one from that which had been given to us
4 Japanese counsel and we did not follow at all what
5 was going on here. I therefore wish to reserve the
6 right to make an objection in connection with this
7 document. Furthermore, even if the document which
8 had been delivered to us were identical to the document
9 which is now being read, I should like to point out
10 that the certificate of origin attached thereto is
11 not sufficiently clear.
12

13 THE PRESIDENT: It is as clear as any
14 certificate of a similar type covering documents
15 from Germany, which means that it is clear enough.
16 The defense should be given a correct copy of the
17 document read, if they have not already received one.
18 It is no ground of objection, of course.
19

20 Major Furness.

21 MR. FURNESS: If the Court please, I think
22 the certificate of origin differs a good deal from
23 most of the certificates from Germany.
24

25 THE PRESIDENT: It is a German certificate
supplemented by an affidavit in general. The affidavit
is being tendered as an exhibit.

1 MR. FURNESS: All that we have is a certifi-
2 cate from a first lieutenant to the effect that the
3 documents are now in the custody of the United States
4 Chief of Counsel for the Prosecution of Axis Criminality.

5 THE PRESIDENT: I suggest, Major Furness,
6 that you carefully examine this certificate and the
7 other material supplementing it before you decide to
8 make an objection. I am not asserting you are wrong
9 but I think you are.

10 General Vasiliev.

11 GENERAL VASILIEV: Now I shall present
12 evidence proving that deliberate hampering of Soviet
13 trade shipping in the Far East was one of the ways in
14 which Japan rendered considerable help to Germany in
15 waging war against the U.S.S.R. in the period of
16 1941-45.

17 Article 9 of the Portsmouth Treaty of 1905,
18 presented in evidence to the Tribunal, exhibit No. 21,
19 provided that: "Japan and Russia mutually agree not
20 to construct in their respective possessions on the
21 Island of Sakhalin or the adjacent islands, any
22 fortifications or other similar military works. They
23 also respectively engage not to take any military
24 measures which may impede the free navigation of the
25 Straits of La Perouse and Tartary."

1 I present in evidence the report of the
2 Chief of the U.S.S.R. Naval General Staff dated
3 February 20, 1946, No. 34563S, document No. 1887,
4 showing that the Japanese Government hampered Soviet
5 shipping in the Far East in any possible way, though
6 under the provisions of the Neutrality Pact of 1941
7 Japan had no right to undertake any actions which
8 could inconvenience the Soviet Union during her war
9 with Germany. This also included trade shipping.

10 THE PRESIDENT: Mr. Logan.

11 MR. LOGAN: If the Tribunal please, this
12 document, 1887, apparently is a communication from
13 the Admiral of the fleet to the prosecutor, Minister
14 Golunsky. It is dated February 20, 1946, and there-
15 fore it is not a document that was prepared by him
16 during the occurrence of the events of which he is
17 attempting to testify to in this letter. It is not
18 a sworn document and in it he draws conclusions and
19 opinions without setting forth the facts on which they
20 are based. He draws inferences from documents and his
21 conclusions as to what are the ultimate facts from
22 those documents. He comments on those documents and
23 he also comments on newspaper reports. He even draws
24 inferences from the agreements between Japan and Russia
25 and towards the last he sets forth a table which

1 contains only the barest ultimate facts. All in all,
2 it appears to me, if the Tribunal please, that this
3 document is a mere summation of what the prosecution
4 is trying to prove in this particular phase of the
5 case. I believe it should be excluded on the ground
6 it has absolutely no probative value.

7 THE PRESIDENT: Minister Golunsky.

8 MR. GOLUNSKY: If the Tribunal please,
9 this document has been issued by the Chief of the
10 Naval General Staff of the Soviet Navy and as such
11 comes under Section (d) of Article 13 of the Charter,
12 which provides that: "The Tribunal shall neither
13 require proof of facts of common knowledge, nor of
14 the authenticity of official government documents,"
15 I omit several words, "and findings of military or
16 other agencies of any of the United Nations."
17

18 THE PRESIDENT: Would that cover a statement
19 by a witness to a prosecutor as to the facts that he
20 would be able to establish if he were called as a
21 witness?

22 MR. GOLUNSKY: It is a document signed by the--

23 THE PRESIDENT: Yes. A point like this arose
24 in the Chinese Section, I recollect. We will have to
25 resolve this in the same way, I take it. I have for-
gotten what we did then. We will consider this point.

1 We will recess now for fifteen minutes.
2 (Whereupon, at 1442, a recess was
3 taken until 1505, after which the proceedings
4 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: The Tribunal has decided to
4 admit document 1887 on the usual terms, but it may be
5 that some Members of the Court, whether a majority or
6 not I do not know, will pay little regard to it; and
7 they would expect, ~~that~~, if the matter is really im-
8 portant to the prosecution, they should have the
9 advantage of the evidence of some Russian officer of
10 standing who could testify to these matters.

11 The objection is overruled.

12 CLERK OF THE COURT: Prosecution's document
13 No. 1887 will receive exhibit No. 813.

14 (Whereupon, the above-mentioned
15 document was marked prosecution's exhibit
16 No. 813 and received in evidence.)

17 GENERAL VASILIEV: I quote a few brief ex-
18 cerpts from the report:

19 "I inform you that the Naval General Staff of
20 the U.S.S.R. Navy has at its disposal the following
21 data on the measures taken by Japan to tie up the
22 Soviet navigation in the course of World War II.

23 "These measures may be divided into the fol-
24 lowing three groups:

25 "1. Closing for navigation the straits con-

1 necting the open seas which was a violation of the
2 freedom of the seas and violation of article 9 of
3 the Portsmouth treaty concerning the navigation in
4 the straits of Laperouse.

5 "2. Examining and holding up of Soviet
6 ships by the Japanese command accompanied by the
7 violation of generally recognised principles of
8 international law:

9 "3. Attacking and sinking of Soviet ships.

10 "At the beginning of World War II Japan
11 proclaimed the Straits of Laperouse, Sanger and Korea,
12 her 'Naval defensive zones' (Statement N 38 of the
13 Naval Ministry, in the official government Bulletin
14 'Kenpo', December 8, 1941).

15 "This measure enabled the Japanese authorities
16 to control the Japanese Sea and its outlets and was
17 directed against the U.S.S.R.

18 "An attempt to establish a control of this
19 kind on the part of Japan had already taken place
20 before Japan entered the war.

21 "This is testified by the statement of the
22 Japanese Ambassador in Moscow addressed on August 25,
23 1941 to the People's Commissar of Foreign Affairs of
24 the U.S.S.R. to the effect that the shipment from the
25 U.S.A. to Vladivostok of the materials purchased by

1 the U.S.S.R. creates an "embarrassing and a very
2 delicate situation' for Japan, so far as these
3 purchases are shipped close to the Japanese territory.
4 In connection with this the Japanese government
5 requested that the Soviet government should pay
6 serious attention to that fact, especially to the
7 question of the routes and means of these shipments.

8 "In reply to this the Soviet government
9 found it necessary to make a statement that it could
10 not but consider the attempt to hinder the trade
11 between the U.S.S.R. and the USA through the Far-
12 Eastern ports an unfriendly act towards the U.S.S.R."

1 I omit three paragraphs as being immaterial.

2 Quote:

3 "Legal status of Soviet trade shipping
4 (before the declaration of war by the U.S.S.R. on
5 Japan) was determined by their belonging to a neutral
6 country. Since the straits were proclaimed by Japan
7 'naval defensive zones' the neutral Soviet trade ships
8 might have had the right to go not only through the
9 Straits of Laperuse (art. 9 of the Portsmouth treaty),
10 but also through the Sangar, Korean and Formosa
11 Straits, straits of international importance.

12 "The Soviet Union was particularly inter-
13 ested in using the Sangar Straits, which directly
14 connect the Japanese Sea with the Pacific.

15 "The use of Laperuse Straits for navigation
16 is less advantageous. In the first place, the straits
17 connect the Japanese Sea with the Sea of Okhotsk,
18 and the latter with the Pacific through the Kuril
19 Straits, which naturally, makes the route longer
20 and hampers shipping, and secondly, Soviet ships
21 can pass through the Laperuse Straits from January
22 to April only with the help of powerful icebreakers.

23 "The Soviet Government frequently requested
24 that the Japanese governments open the Sangar Straits
25 free from ice in the winter months for Soviet trade

1 ships, but those requests were declined under the
2 protest that this zone was a defensive one.

3 "By way of compromise the Japanese suggested
4 that Soviet ships navigate through the Korean Straits
5 and further north, to the east of the Kyushu and
6 Honshu Islands."

7 I omit a few lines. Quote:

8 "Besides the fact, that the route through
9 the Korean Straits indicated by the Japanese was
10 disadvantageous, it was dangerous for navigation
11 and threatened the safe sailing of Soviet vessels."

12 I omit a few lines. Quote:

13 "The Straits of Laperuse were practically
14 closed since the Japanese had left only two narrow
15 fairways for the passage of Soviet ships."

16 It is stated further in the quoted docu-
17 ment in the form of a table that from August 1941
18 to the end of 1944 the Japanese authorities held
19 up 178 Soviet commercial ships in the Pacific;
20 three of these ships were held up by force of arms,
21 and eight were led away into Japanese ports.

22 I shall present in evidence a document
23 proving that as soon as Germany attacked the Soviet
24 Union, MATSUOKA, Japanese Foreign Minister hastened
25 to assure the German Government that the USA would

1 not be in a position to deliver military supplies
2 to the Soviet Union by the Pacific route, though
3 that action was at variance with the Neutrality
4 Pact and international law accepted by all civil-
5 ized countries. I shall read an excerpt from a
6 telegram of the German Ambassador in Japan sent
7 from Tokyo to Berlin on June 22, 1941, No. 1012
8 which has already been presented by me in evidence
9 (Prosecution Doc. No. 4033-D, exhibit No. 795-A.)

10 I quote item 3 of this telegram in the
11 English translation. It is numbered 2 on page 2
12 containing MATSUOKA's statement made to the German
13 Ambassador that (quote):

14 "For himself he could once again assert
15 that the United States would not be in a position
16 to deliver military supplies to the Soviet Union
17 by the Pacific route. The Japanese cabinet would
18 certainly be of the same opinion."
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1 In confirmation of the clearly hostile stand
2 of the Japanese Government toward the Soviet Union as
3 to the delivery of American materials, I shall offer
4 in evidence telegram No. 487 to the Japanese Ambassador
5 in Washington from the Ministry for Foreign Affairs in
6 Tokyo dated August 20, 1941 (document No. 15-F-6). The
7 telegram has been taken from the symposium "Pearl
8 Harbor."

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 15-F-6 will receive exhibit No. 814.

12 (Whereupon, the above-mentioned
13 document was marked prosecution's exhibit No.
14 814 and received in evidence.)

15 GENERAL VASILIEV: I quote the following
16 excerpt from this telegram (part 2):

17 "If it becomes definitely known that the
18 United States is shipping iron, airplanes and other
19 materials by way of Japanese coastal waters to as-
20 sist Soviet Russia, this fact would unnecessarily
21 provoke the feelings of the Japanese people, and it
22 cannot be said that it will not have an unfavorable
23 effect on the question of readjusting Japanese-
24 American relations -- a question which is at the
25 present stage a very delicate one. We would like,

1 therefore, to see the United States refrain from
2 such action. Will you take a good opportunity and
3 tactfully call the attention of the United States
4 authorities to this fact? Today I personally called
5 the attention of the American Ambassador to it."

6 To prove that all measures of Japanese
7 authorities hampering the Soviet Trade Shipping were
8 taken by Japan in full accord with the German Govern-
9 ment, I shall read an excerpt from the record of
10 Ribbentrop's talk with OSHIMA on June 24, 1942, which
11 has already been presented by me in evidence (docu-
12 ment No. 1372, exhibit No. 778).

13 This excerpt contains a short note handed
14 to Ribbentrop by the Ambassador OSHIMA during their
15 talk. The excerpt is No. 2 on the English copies of
16 the document.

17 That is what OSHIMA said:

18 "1. Since Japan entered the war, 20 Russian
19 merchantmen, totaling 102,000 tons, with a maximum
20 loading capacity of 113,124 tons have entered the
21 harbor of Vladivostok. During their voyage, these
22 ships were searched by units of the Japanese Navy.
23 The search revealed that the freight consisted mainly
24 of foodstuffs, flour, sugar, vegetable oil, etc. and
25 contained no armaments or munitions.

1 "2. Apparently, the transport of these goods
2 to Vladivostok was carried out in most cases after
3 reloading in the harbor of Petropavlovsk. The occupa-
4 tion of the western Aleutian Islands by Japanese
5 fighting forces will make this method very difficult
6 in the future."

7 To prove that the hostile actions of the
8 Japanese military as regards Soviet Shipping in the
9 Far East were in many cases carried out quite openly,
10 I shall present to the Tribunal a number of documents.

11 I respectfully request the Tribunal to take
12 into consideration the following: I shall present in
13 evidence a number of documents, the originals of which
14 are in Russian, relating to detention and sinking of
15 Soviet vessels. These entire documents have been
16 translated into English and Japanese, reproduced and
17 distributed to the Tribunal and to the defense. As
18 the reading of entire documents would take much time,
19 I, with the permission of the Court, shall read only
20 brief excerpts containing the most important passages
21 from these documents.

22 I shall produce in evidence the report of
23 March 20, 1946, of the Military Prosecutor of the
24 Pacific Ocean Area of the U. S. S. R. (document No.
25 2232).

1 The report states that on April 17, 1943,
2 the Soviet Ship "Sergey Kirov" sailing with a cargo of
3 foodstuffs from Petropavlovsk to Kamchatka to Vladivostok
4 through the Korean Straits was held up by a
5 Japanese destroyer and was brought under the escort
6 of the destroyer to the Tokyo Bay where she was unlawfully
7 held under arrest for six days.

8 THE PRESIDENT: Mr. Blewett.

9 MR. BLEWETT: If your Honor please, I thought
10 I may have anticipated the offering of this document.
11 I am not sure that the prosecution did offer it, but
12 he gave us the number of it.

13 If the Court please, if this document No. 2232
14 is being offered in evidence, we object on the same
15 grounds as the document 1887, which was given No. 813,
16 exhibit. This document, if the Court please, and the
17 succeeding ones referred to by the prosecution, are
18 simply reports from officials and in the same category
19 as 1887; and in addition to the objection placed
20 against 1887, exhibit No. 813, we also object to
21 these documents on the ground of materiality. It would
22 seem that the Japanese in time of war had the right
23 under the law to fortify themselves in their own
24 waters and to take the necessary precautions to
25

1 protect its own shipping, and also to protect its
2 neutrality in so far as contraband was concerned.

3 THE PRESIDENT: The decision on document
4 1887 covers this case. We repeat the observations
5 made when this decision was given.

6 The objection is overruled.

7 CLERK OF THE COURT: Prosecution's document
8 No. 2232 will receive exhibit No. 815.

9 (Whereupon, the above-mentioned
10 document was marked prosecution's exhibit
11 No. 815 and received in evidence.)

12 THE PRESIDENT: Yes, General Vasiliev.

13 GENERAL VASILIEV: I quote the following
14 excerpt from the above-mentioned report:

15 "In spite of compliance with all the
16 established rules of navigation in the vicinity of
17 Japanese Islands, at 10:00 hours on April 17, 1942,
18 near the Island of 'Mikura Jima' latitude 33 degrees
19 30 minutes north and longitude 140 degrees 02 min-
20 utes east, the said ship was stopped by a Japanese
21 destroyer which without finding out the nationality of
22 the ship, the nature of her cargo and her route, and
23 regardless of the protests of Captain Ushakov, pro-
24 posed that the ship follow them into the Tokyo Bay.

25 "In spite of non-resistance on the part of

1 'the crew of the ship, in executing the orders given
2 from the destroyer, the latter was repeatedly threaten-
3 ing to commit violence against the ship, and wantonly,
4 fired two volleys from her guns, and, likewise, twice
5 at night machine-gunned the ship."

6 I shall present in evidence the report of
7 March 22, 1946, of the Military Prosecutor of the
8 Pacific Ocean Area of the U. S. S. R. based on the
9 results of the investigation of the circumstances of
10 the detention of the Soviet Ship "Dvina" by the
11 Japanese ships in the Straits of Laperuse in July,
12 1943. (Document No. 2325).

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 2325-A will receive exhibit No. 816.

16 (Whereupon, the above-mentioned
17 document was marked prosecution's exhibit
18 No. 816 and received in evidence.)

19 GENERAL VASILIEV: I quote brief excerpts from
20 this report containing the gist of the matter:

21 "On July 16, 1943 at 10 hours the ship 'Dvina',
22 under command of Captain Peer and having a load of
23 900 tons of chrome ore and with 30 passengers aboard,
24 left Vladivostok on a voyage bound for Portland of
25 the U. S. A."

1 I continue to quote on page 2:

2 "On July 20 having passed the 'Rock of
3 Danger,' the ship was stopped at 11 A. M. by a Japanese
4 patrol-boat, and regardless of the protest of the
5 captain, she was directed to Port Otomari."

6 I omit five paragraphs.

7 "Peer handed a written protest concerning
8 the illegal detention of the ship to the prosecutor
9 who did not give him any receipt for it. A copy of
10 the protest addressed to the Consul of the U. S. S. R.
11 was not accepted by the prosecutor."

12 I continue to quote, page 3:

13 "On July 26 the prosecutor called Peer for
14 interrogation during which he shouted and was rude to
15 him, accusing the latter of violating the Japanese
16 territorial waters."

17 I omit one and one-half paragraphs.

18 "On August 10 a court official came to Peer,
19 who was in custody and announced him the sentence of
20 the Japanese court, according to which Peer was found
21 guilty of unlawful violation of the Japanese territorial
22 waters, and sentenced to 100 days imprisonment or fine
23 of 2000 Japanese yen. Peer refused to pay the fine,
24 stating that the sentence of the court was unlawful,
25 and continued to sit in custody.

1 "In connection with this the prosecutor called
2 Peer for an interrogation nearly every day and sub-
3 jecting him to illtreatment and to indignities cate-
4 gorically insisted that the fine be paid and recommend-
5 ing as a means to raise the funds to sell a part of
6 cargo fuel and the ship's equipment, also agreeing to
7 be paid in Soviet currency yet Peer refused categori-
8 cally to fulfill these demands.

9 "On August 25 the prosecutor set Captain Peer
10 free, returning him all the documents of the ship, and
11 permitting the ship 'Dvina' to go on her voyage."

12 I continue to quote, page 4:

13 "Thus the Japanese military, court and police
14 authorities detained the Soviet ship 'Dvina' without
15 any ground for thirty-five days and subjected the
16 Soviet sailors to indignities."

17 I shall adduce in evidence the report of
18 April 4, 1946 of the Military Prosecutor of the
19 Pacific Ocean Area based on the results of the in-
20 vestigation of the circumstances of detaining the
21 Soviet trade vessels "Ingul" in the Laperuse Strait
22 in April 1943 (document No. 2311).

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 2311 will receive exhibit No. 817.

1 (Whereupon, the above-mentioned
2 document was marked prosecution's exhibit
3 No. 817 and received in evidence.)
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1 GENERAL VASILIEV: I quote brief excerpts from
2 this report:

3 "The ship 'Ingul' following its course in the
4 northern fair-water of the Laperuse Strait, northern
5 latitude 45 degrees 49 minutes and eastern longitude
6 141 degrees 53 minutes, was on April 29, 1943, at
7 9:42 hours stopped by a Japanese war-ship."

8 I continue to quote the last phrase on page 2:

9 "Without giving a special accusation the ship
10 'Ingul' was kept under arrest in the Port 'Otomari'
11 till 13:15 hours of June 23, 1943, i.e., 60 days."

12 I shall offer in evidence the Reports of March 20,
13 1946, of the Military Prosecutor of the Pacific Ocean
14 Area based on the results of the investigation of the
15 circumstances of the sinking and capturing of Soviet
16 ships 'Kretchet', 'Svirstroy', 'Sergey Lazo,' and
17 'Simpheropal' in the harbor of Hong Kong in December,
18 1941, where these ships were under recondition. I
19 present in evidence a report on the circumstances of
20 the sinking of the ship 'Krechet,' document No. 2315.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 2315 will receive exhibit No. 818.

24 (Whereupon, the document above referred
25 to was marked prosecution's exhibit No. 818 and

1 received in evidence.)

2 I quote brief excerpts containing the gist of
3 the matter:

4 "That at the end of August, 1941, the ship
5 'Krechet' arrived at the harbor of Hong Kong to be put
6 under recondition. On December 8, 1941, the recondition
7 of the ship was interrupted because of the opening
8 of hostilities between Japan and U.S.A. and Great
9 Britain.

10 "To avoid the damaging of the ship during
11 artillery bombardments of the docks by the Japanese
12 forces, the ship 'Krechet' was led off to the road-
13 stead state flag of the Soviet Union being on the stern,
14 and other flags painted on her deck and boards. There
15 were no other ships belonging to any other country on
16 the roadstead.

17 "Late in the afternoon of December 14, 1941,
18 artillery bombardment of the ship 'Krechet' was begun
19 from the Koulun Island, occupied by the Japanese."

20 I omit a few lines.

21 "The ship was ablaze and in about two hours
22 sank.

23 "The witnesses: the captain of the ship
24 'Krechet' Bazhanov, the senior radio-operator of the
25 ship, Pokrytiuk, the mechanic of the ship 'Svirstroy',

1 Iordansky and others estimated that there were 34
2 shells discharged by the Japanese armed forces at the
3 ship 'Krechet' from the distance of less than half a
4 mile."

5 I quote the last but one paragraph on page 2:

6 "During the months that the crew stayed in
7 Hong K ng they were constantly subjected to indignities
8 by the Japanese, who beat them, robbed them of their
9 personal things, money in foreign currency and food,
10 and as a result of it the crew of the ship 'Krechet'
11 were half starving and suffered from inanition and
12 various diseases."

13 I present in evidence a report on the circum-
14 stances of the sinking of the ship "Svirstroy,"
15 document No. 2309.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 2309 will receive exhibit No. 819.

19 (Whereupon, the document above referred
20 to was marked prosecution's exhibit No. 819 and
21 received in evidence.)

22 GENERAL VASILIEV: I quote brief excerpts:

23 "That since July, 1941, the ship 'Svirstroy'
24 had been overhauled in the docks of the English
25 company 'Pampy-Dock' at Hong Kong, and by the beginning

1 of December, 1941, she was 80-90 per cent ready.

2 "On December 8, 1941, the Japanese troops made
3 a surprise attack on Hong Kong from the north and drove
4 the English troops defending the town back to the
5 Victoria Island.

6 "In order to avoid the Japanese troops mistak-
7 ing the Soviet ship for an English or American one, the
8 crew led out the ship 'Svirstroy' to the roadstead and
9 put her far from the other ships, keeping at a distance
10 of 200 meters from the shore; large state flags with
11 the inscription "The U.S.S.R" on them were painted on
12 the roof of the round-house and on the boards.

13 "Although it was obvious that what the nation-
14 ality of the ship 'Svirstroy' was and that she belonged
15 to the Merchantile Marine of the Soviet Union the
16 Japanese planes twice bombed her, but without any results.
17 After this on December 18, the Japanese forces began
18 artillery ranging from the shore batteries and opened
19 gun fire on the ship 'Svirstroy.' Five shells directly
20 hit the hull of the ship, considerably damaging her
21 and the deck-structures.

22 "The 3rd mate Kovernikov and baker Elagin
23 were killed during the bombardment. Stoker Krivoruchko
24 was killed and sailor Bochko badly wounded during one
25 of the bombardments."

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3 a surprise attack on Hong Kong from the north and drove
4 the English troops defending the town back to the
5 Victoria Island.

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7 ing the Soviet ship for an English or American one, the
8 crew led out the ship 'Svirstroy' to the roadstead and
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10 of 200 meters from the shore; large state flags with
11 the inscription "The U.S.S.R" on them were painted on
12 the roof of the round-house and on the boards.

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18 artillery ranging from the shore batteries and opened
19 gun fire on the ship 'Svirstroy.' Five shells directly
20 hit the hull of the ship, considerably damaging her
21 and the deck-structures.

22 "The 3rd mate Kovernikov and baker Elagin
23 were killed during the bombardment. Stoker Krivoruchko
24 was killed and sailor Bochko badly wounded during one
25 of the bombardments."

1 I omit a few lines:

2 "As the crew of the ship 'Svirstroy' had left
3 the ship during the bombardment, they could not have
4 taken food and personal belongings with them, for a
5 month the Japanese authorities did not allow the Soviet
6 sailors to return to the ship assuring them that the
7 ship was guarded by them. But when the Soviet sailors
8 succeeded to get there, they found out that the Japanese
9 flag had been hoisted on the ship and the Japanese
10 had given her a trophy number."

11 The report concludes by saying that the ship
12 was put out of commission and sank as a result of the
13 damage sustained due to the bombardment and plundering.

14 Now I offer in evidence a report of the ship
15 'Sergey Lazo', document No. 2310.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 2310 will receive exhibit No. 820.

19 (Whereupon, the document above referred
20 to was marked prosecution's exhibit No. 820 and
21 received in evidence.)

22 GENERAL VASILIEV: I quote brief excerpts:

23 "On December 11, 1941, the ship 'Sergey Lazo'
24 was twice bombed by Japanese planes, but the bombs
25 missed her. The ship had identification signs and the

1 state flag of the Soviet Union."

2 I interrupt the quotation. After the crew,
3 by order of the Japanese authorities, had left the
4 ship -- I continue to quote on page 2:

5 "The Japanese authorities did not allow the
6 crew of the ship 'Sergey Lazo' to go aboard their ship,
7 but it was noticed that the Japanese replaced people
8 on the Soviet ships every day and that the Japanese
9 flag was hoisted on them."

10 I omit a few lines and then quote the descrip-
11 tion of condition of the ship when the Soviet crew
12 got aboard it:

13 "They found out that the Japanese had plundered
14 the deck equipment, the skipper-pilot, buffet, caboose
15 and fire equipment, the life-rescuing equipment, overalls,
16 things pertaining to cultural entertainment, the ship
17 radio-station, personal belongings of the crew, food,
18 details of machines, various tools and materials."

19 I call it to the attention of the Court that
20 the Japanese authorities not only unlawfully opened
21 fire on the Soviet ships 'Svirstroy' and 'Sergey Lazo'
22 which were in Hong Kong, and captured them, but also
23 gave to them trophy numbers and hoisted the Japanese
24 flags.

25 I offer in evidence a report on the ship

1 'Simpheropol,' document No. 2308.

2 THE PRESIDENT: Admitted in the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 2308 will receive exhibit No. 821.

5 (Whereupon, the document above referred
6 to was marked prosecution's exhibit No. 821 and
7 received in evidence.)

8 GENERAL VASILIEV: I quote a brief excerpt
9 showing in what state the ship was at the moment the
10 Soviet sailors were allowed to see her after her having
11 been shelled and used by the Japanese authorities, page
12 2 of the English document:

13 "They found out that there was a hole in the
14 hull of the ship 'Simpheropol' made by the artillery
15 shell which had hit the left upper deck of the bow,
16 that the cabin doors were torn away, the writing tables
17 broken, the velvet from the sofas cut off. Besides,
18 the deck equipment, the pilot, skiper, buffet caboose
19 and fire equipment, the life-rescuing equipment, over-
20 alls, personal belongings of the crew, things pertaining
21 to cultural entertainment, cabin equipment, the ship
22 radio station and the whole stock of food for the crew
23 were plundered, and some damage was deliverately done
24 to the engine room."
25

1 I shall present in evidence--

2 THE PRESIDENT: Before you go further, it is
3 noticed that the ships mentioned in exhibits 819 and
4 820 are different ships, but the two persons killed
5 or wounded on the ships bear the same names.

6 There may be an explanation.

7 MR. GOLUNSKY: If the Tribunal please,
8 probably there was a mistake in translation, because
9 in the Russian document they bear different names.

10 THE PRESIDENT: Yes, obviously.

11 Have you offered document No. 2308? Admitted
12 on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 2308 was given exhibit No. 821.

15 GENERAL VASILEV: I shall present in evidence
16 the affidavit of the witness Budarin, former first mate
17 of the Soviet ship "Perekop", who was interrogated on
18 March 14, 1946.

19 In this affidavit it is testified that in
20 December 1941 the Japanese aircraft made pirate attacks
21 on the Soviet trade ship "Perekop," sank that ship, and
22 that the crew for a long time was held in Japanese
23 captivity, the conditions of which were horrible
24 (document No. 2305).

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 2305 will receive exhibit No. 822.

3 (Whereupon, the document above
4 referred to was marked prosecution's exhibit
5 No. 822, and was received in evidence.)

6 GENERAL VASILIEV: I quote brief excerpts from
7 the affidavit:

8 "The ship was not armed; we had neither a gun,
9 nor a single machine-gun, there were only a few rifles
10 for guarding the ship. It was a most harmless commer-
11 cial timber-carrying ship."

12 I pass over to the events of December 17,
13 page 3 of the English text:

14 "It was about 9 a.m. The aircraft made two
15 or three circles and then made for the ship. The
16 captain and I watched it through the binoculars and
17 when it came nearer, we saw on its wings the Japanese
18 'sun' the red circles which showed that was a Japanese
19 aircraft. The plane was making for the ship, and when
20 it was almost directly above it, two bombs were dropped
21 and fell off the starboard (near the engine-department),
22 but did not inflict any damage."

23 I pass over to the events of December 18, page 4
24 of the English text:

25 "I saw 17 twin-engined planes. They fell in

1 two groups and made for the ship, one (there were 9 of
2 them) were making for the bow, the other 8 for the
3 stern.

4 "The identification signs (flags on the holds)
5 of our ship were clearly seen, we had hung out our
6 identification flags, the ensign was new and fluttered
7 in the breeze, its colour and emblem brightly displayed.
8 The planes attacked the ship and started bombing and
9 machine-gunning at low flight. . ."

10 I omit a few lines and quote the last but one
11 line of this page.

12 "Bombs hit the bow, the mate's storeroom
13 where 4 men were instantly killed, the hold N 1 and 2.
14 Two fires broke out on the bow and on the stern, the
15 bridge was destroyed, plaster and all other life-
16 saving equipment was torn away."

17 I omit a few lines.

18 "The ship was sinking fast; now the planes
19 began dropping bombs not on the ship, but on the men
20 in the water who were constantly machine-gunned at
21 the same time.

22 "It was in the water that Stokers Onipko,
23 Ogarkov, and Engineer Budoyan were killed."

24 It is seen from the rest of the affidavit that
25 in the course of one and a half years a group of Soviet

1 two groups and made for the ship, one (there were 9 of
2 them) were making for the bow, the other 8 for the
3 stern.

4 "The identification signs (flags on the holds)
5 of our ship were clearly seen, we had hung out our
6 identification flags, the ensign was new and fluttered
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21 the same time.

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16 saving equipment was torn away."

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19 began dropping bombs not on the ship, but on the men
20 in the water who were constantly machine-gunned at
21 the same time.

22 "It was in the water that Stokers Onipko,
23 Ogarkov, and Engineer Budoyan were killed."

24 It is seen from the rest of the affidavit that
25 in the course of one and a half years a group of Soviet

1 sailors saved from the sunken ship were first placed
2 on the island of Great Natuna, then on the island of
3 Borneo, in Singapore, once more on Borneo, again on
4 Natuna, and finally again in Singapore, being trans-
5 ferred by order of the Japanese authorities and
6 enduring all sorts of calamities and indignities.

7 Only on June 1, 1943, they were allowed to
8 return to their country.

9 I shall offer in evidence a copy of the
10 protest by Levchenko, Captain of the motor vessel
11 'Maikop,' of July 1, 1942, concerning the circumstances
12 under which the motor vessel was sunk by the Japanese
13 aircraft in December 1941, document No. 1889.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 1889 will receive exhibit No. 823.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 823, and was received in evidence.)

20 GENERAL VASILIEV: I quote brief excerpts from
21 this document containing the gist of the matter.

22 "On 14th December 1941, motor vessel 'Maikop'
23 which is the property of the Union of Soviet Socialist
24 Republics, sailed under my command, with 12 officers
25 (including myself) and 23 members of the crew (total

1 35 persons), from the port of Soerabaja (Java) for
2 Vladivostok, carrying a cargo of 1994 metric tons of
3 liquid cocoanut oil, in accordance with instructions
4 received from the Far Eastern Department of U.S.S.R.
5 Merchant Marine.

6 "On 20th December 1941, at 7.00 a.m., the
7 motor vessel 'Maikop' was passing 33 miles south
8 of Sarangani Islands, heading East-North-East. At
9 about 7.10 a.m., two single-engine airplanes (one
10 hydroplane and one land plane) were sighted, approach-
11 us from East."

12 I omit a few lines.

13 "I could clearly see red circles on the wings
14 and fuselages of said airplanes, which shows that they
15 were of Japanese nationality.

16 "The weather was bright and clear, with good
17 visibility and the U.S.S.R. flag was flying over the
18 stern of our ship. There is absolutely no doubt that
19 our U.S.S.R. flag could be clearly seen and distinguished,
20 as well as the name of our ship, which was painted on
21 both sides of the 'Maikop's' bridge.

22 "First Attack: Nevertheless, at 7.40 a.m.,
23 one of the airplanes (the land plane) dropped two
24 bombs aimed at our ship; the bombs fell not far from
25 our vessel, one about 8 metres and the other about

1 15 metres from the 'Maikop.'"

2 Further is given the description of several
3 bombings; and then I continue to quote the protest,
4 on page 4 of the English text.

5 "As a result of the above damage, sustained
6 by my ship, motor vessel 'Maikop', through bombing
7 attacks by Japanese planes, the ship sank completely
8 at about 2.00 a.m., 26th December 1941, near the
9 village of Makar."

10 I shall present in evidence the report of the
11 Chief Military Prosecutor of the Navy and River Fleet
12 of the U.S.S.R., dated February 19, 1946, No. 0483,
13 composed on the basis of data obtained by the inves-
14 tigation of the circumstances of the shipwreck of the
15 Soviet tanker "Mariupol," document No. 2072.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 2072 will receive exhibit No. 824.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 824, and was received in evidence.)

22 GENERAL VASILIEV: I quote brief excerpts
23 from this report.

24 "The tanker 'Mariupol' was sailing in Nov-
25 ember 1943 from the United States of America to the

1 15 metres from the 'Maikop.'"

2 Further is given the description of several
3 bombings; and then I continue to quote the protest,
4 on page 4 of the English text.

5 "As a result of the above damage, sustained
6 by my ship, motor vessel 'Maikop', through bombing
7 attacks by Japanese planes, the ship sank completely
8 at about 2.00 a.m., 26th December 1941, near the
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14 tigation of the circumstances of the shipwreck of the
15 Soviet tanker "Mariupol," document No. 2072.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution's document
18 No. 2072 will receive exhibit No. 824.

19 (Whereupon, the document above
20 referred to was marked prosecution's exhibit
21 No. 824, and was received in evidence.)

22 GENERAL VASILIEV: I quote brief excerpts
23 from this report.

24 "The tanker 'Mariupol' was sailing in Nov-
25 ember 1943 from the United States of America to the

1 Soviet Union with a cargo of 8901 tons of Iso-octane.
2 While passing through the First Kurilsky Strait on
3 November 14, 1943, at 18.04 hours in the territorial
4 waters of Japan near the Cape Kotamari-Saki at the
5 point-Lattitude 50° 48 m. north, longitude 156°31 m.
6 east, the tanker ran onto rocks.

7 "The tanker 'Mariupol' remained at the place
8 of the shipwreck till January 23, 1944, and help being
9 not rendered, the ship and 9700 tons of cargo were
10 lost."

11 I omit a few lines.

12 "The tanker 'Tuapse' of great cargo capacity
13 arrived at the area of the shipwreck 2 hours after the
14 incident had taken place and had actual possibility
15 to render help to the tanker 'Mariupol' by completely
16 unloading it and towing it from the rocks.

17 "To approach the tanker 'Mariupol' the Soviet
18 ships had to get permission from the Japanese govern-
19 ment. This permission was given when 35 days had
20 passed since the shipwreck, and the wrecked ship was
21 already in a hopeless condition, as its hull was
22 damaged by the winter storms."

23 I conclude my statement with a presentation
24 of several documents proving that up till 1945,
25 inclusive, the Japanese Government, including the

1 Soviet Union with a cargo of 8901 tons of Iso-octane.
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22 damaged by the winter storms."

23 I conclude my statement with a presentation
24 of several documents proving that up till 1945,
25 inclusive, the Japanese Government, including the

1 defendants TOJO and SHIGEMITSU, repeatedly proclaimed
2 their loyalty to the alliance with Hitlerite Germany.

3 The first document on this question I am going
4 to present in evidence is an announcement of the
5 Japanese Board of Information, dated January 21, 1943,
6 concerning the conclusion of economic agreements
7 between Germany, Italy, and Japan, and the text of
8 the article published in the symposium of Official
9 Announcements Concerning Foreign Relations, 1943.

10 I present this book for identification,
11 document No. 1210 B & C, and the announcement and the
12 article in evidence. The book received exhibit No. 50
13 for identification only.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 1210 B & C will receive exhibit No. 825.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 825, and was received in evidence.)

20 GENERAL VASILIEV: I quote an excerpt from
21 the announcement.

22 "These agreements possess the same period of
23 validity as the Tripartite Pact, the purpose of which
24 they are to substantiate in the field of economy. In
25 this respect they may be considered as the extension

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2 their loyalty to the alliance with Hitlerite Germany.

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22 "These agreements possess the same period of
23 validity as the Tripartite Pact, the purpose of which
24 they are to substantiate in the field of economy. In
25 this respect they may be considered as the extension

1 and re-inforcement of the Tripartite Pact. Japan,
2 Germany and Italy have constantly been strengthening
3 their political cooperation established by the Tri-
4 partite Pact and now, by concluding these agreements,
5 they intend to prosecute war against their common enemy
6 through the formulation of a grand economic plan and
7 by employing the total combined strength of the two
8 great economic spheres of Greater East Asia and Europe
9 and, at the same time, to lay the foundation for
10 permanent economic cooperation between these spheres
11 after the war."

12 I quote an excerpt from this article.

13 "The economic agreements which have just been
14 concluded are agreements which give concrete
15 expression to the spirit of the Tripartite Pact in
16 the field of economy. The fact that these agreements
17 have been concluded is in itself a demonstration that
18 the construction of the new order is being further
19 substantiated and that economic collaboration among
20 the three Powers will henceforth be rendered
21 increasingly closer."

22 THE PRESIDENT: We will adjourn now until
23 half past nine tomorrow morning.

24 (Whereupon, at 1600, an adjournment was
25 taken until Friday, 18 October 1946, at 0930.)

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